

The Forum

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SHOULD THE GOVERNMENT RETIRE FROM BANKING?

"The government note, a bad, unsound, untrustworthy currency, persecutes society at every turn and brings loss on all but gamblers. . . . Not an hour should be lost by any legislature who has any knowledge of the nature and working of money to arrest the plague and sweep away inconvertible money."

—*Bonamy Price.*

THE popular opinion, now widely expressed in intelligent quarters, that the United States Government should go out of the banking business, is based upon the fact that one of the important functions of banking has been assumed and practically monopolized by an institution totally unfit for its performance.

The term bank, as used here, should be distinguished from the term banker. Prejudiced writers constantly confound the two. A bank is an extremely essential part of the business structure. The capital stock of a bank, furnished generally by hundreds of people the majority of whom are in moderate circumstances, is a small proportion of the whole. The most important element is the deposits, which are contributed by a large part of the community. In respect to deposits, then, the people are the bank. The banker, as generally understood, is the paid officer who looks after the interests of the entire institution. Banking profits are not proportionately large, and go to the stockholders, who are again the people. Private bankers with capital of their own are comparatively few in number and cut but a small figure in the United States as compared with incorporated stock banks. These private bankers issue no notes, and are not benefited or affected directly by laws relating to banks. Laws which injure the banks do harm to the whole community; whereas laws

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which contribute to the proper working and prosperity of the banks help radically the whole people, especially those who depend upon daily labor for their wages.

The business of banking may be divided into three principal operations: (1) The receiving of money on deposit; (2) the loaning of the same on security of collateral or names; (3) the issuing of notes for circulation. In speaking of the United States Government being in the banking business, reference is made only to the latter feature, the note-issuing part of the business. The currency troubles in the United States are mainly due to the assumption by the Government of this prerogative, which as properly belongs, under certain restrictions, to individual associations as does the right to manufacture the necessities of life. That is to say, the experience of generations of trading people has demonstrated that the Government, from its very nature, is as unfit to issue the circulating medium required by commerce as would be the faculty of a young ladies' seminary to conduct a great war.

We hear frequently the natural inquiry, Why should the banks issue currency? Why cannot a great government, with unlimited resources as a background for taxation, best maintain this instrument which affects the daily life of all the people? The answer is that currency is one of the tools of trade; and, whether good or bad, it is controlled or acted upon by the laws of trade, which are as immutable and as powerful as are any of the great laws of nature. Proud kings and powerful states have endeavored to pervert these laws by creating something out of nothing, and to wrest to themselves the benefits which are the reward of industry alone and which belong to the whole people; but, in every instance, these great laws have in the end, long confined by false conditions, broken away with the force of bursting cyclones, leaving behind them death, destruction, and ruin.

Money is one of the tools of trade, but in all banking transactions, for instance in the United States, metallic and paper money are used only to the extent of about 6 per cent of the whole. How is the place of money taken as to the other 94 per cent? It is made up of checks on banks, bank drafts, and other like instruments of exchange. The business of the United States, then, is done to this great percentage by bank machinery, which has grown to its present perfection as a result of the operations and development of commerce through the ages. The bank is as much the machine of trade as money is its tool. If this machinery did not exist, it would make necessary the

use of actual money in every transaction. This great business is done with immense economy by banks, safely, smoothly, and in fabulous amounts. Actual coin is used to an extent of about $1\frac{1}{2}$ per cent, paper money to about $4\frac{1}{2}$ per cent, but the other 94 per cent is just as much in effect money as if it were actually coin. Let us call it check-money, if you please. The check-money, then, is used for the larger transactions, and paper money and coin for the smaller.

Now, what is the difference between check-money and bank-notes? The first is an order of the depositor on the bank to pay a larger sum, the second is an order of the bank on itself to pay a smaller sum; in effect, there is no difference. One is payable to order, the other to bearer; one is as safe as the other, as convenient and as justifiable. Commerce is to-day using check-money to an extent of 94 per cent out of 100 per cent of its transactions. Is there any objection to giving it the privilege of using $4\frac{1}{2}$ per cent more and furnishing, through perfect machinery adapted for the purpose by the experience of all time, all the paper money needed?

The bank-note, if sent in every day for redemption (as a check is) and as it should be sent in under any proper system of bank currency, becomes identical, in almost every respect, with the check. The validity of check-money is based on representatives of wealth deposited in the bank: so is that of the bank-note issued by the bank. Check-money will be issued to the extent that trade requires it in a community: so will the bank-note. Check-money will stay out only so long as it is needed and will come back again for redemption from other banks who want the money: so will the bank-note, under the daily redemption arrangement which is essential. Check-money circulates in the neighborhood where it is needed: so will the bank-note, if redeemed daily.

The increase in the number of bank-notes is regulated thus by the requirements of trade and the desire of the banks to get them out, because of the profit there is in the operation. Their decrease is effected by the pressure brought to bear by other banks, who, striving to force their own notes out, send the notes of other banks in, and the total amount kept out can thus never be more than trade actually requires. The regulation of volume is automatic. We see thus the uses, the convenience, the essential propriety of notes issued by banks.

Does the Government, usurping this function of the bank in going

into the banking business to the extent of note-issuing, fulfil, with its paper issues, the mission of the bank-note? Emphatically no. The Government is made up of representatives of the people, not chosen for any peculiar business qualification, but on account of a variety of attainments, in most cases political. Now the currency has essentially to do with business—with commerce—and the regulation of it must be thoroughly in accord with the needs and requirements of trade. True, we have many students of finance and practical financiers in our own Congress. I venture to say that the Committee of the House on Banking and Currency is one of the best-informed bodies of men on financial subjects to be found in any government. They are thoroughly cognizant as to what *should* be done, but partisan pressure, expediency, the wishes of constituents, weigh heavily. Most of all comes to them the question, What will pass? Can this or that, no matter how good, be put through? The fact stands that one bad man, or a few ignorant or vicious legislators, are enabled to block the whole body of Congress; and at just the point when prompt and sound action is imperative they stand in the way, with the whole country in peril. We had such a state of things in the criminal tardiness of the silver-purchase repeal. Given a body like this, subject, too, to change from period to period, so that a wave of Populism and Anarchy may at any time cast up temporarily an unreasonable and dangerous representation, we turn over to them the privilege of issue—the very life-blood of trade and commerce. In addition to the dangerous element, we have the Representative who is impelled by the demands of honest but ignorant constituents. Except he be a born statesman, he necessarily sinks to the level of the voters who elected him.

There comes now a grand emergency like war, and the pressure for money is very great. There are conferences and conferences, sound council and weak council, but the easy way prevails, and the Government is authorized to create a paper currency, and the poison of fiat money enters the blood, never wholly to be eradicated. We then have the greenback. The business of making a note-issue was thus started in this country. It has never permanently stopped since. The danger, of course, lies always in over-issue; but, with admirable firmness and decision, the limit of \$400,000,000 was regarded throughout the War. But at these figures, gradually reached in an ascending scale, the greenback was productive of wild inflation, speculation in trade, extravagance in living, recklessness of expendi-

ture, and final collapse with widespread ruin, bearing hardest upon the hand of labor. Then came slow and painful recovery. It has been computed that the War cost us eight hundred millions more than it would have cost if there had been no greenback. This is what we have already in the past to thank the greenback for.

Now let us note what follows this first warning. A cancellation of the greenback is begun. But the working poison—the deadening comfort of inoculation—stops it. Specie payments are resumed. But the eruption appears in another form: in fiat silver, the Bland dollar. No harm seems to follow, and back again we swing in the delirium of 1890 to paper. Once more the legal tender—the Treasury note. Now the fever is high again and we plunge with a crash into '93, and for a second time the issues are stopped—the second warning. But we have, nevertheless, not stopped soon enough. We have the over-issue. The necessity is upon us to maintain these over-issues. From the conditions thus produced every person in the United States is suffering more or less to-day.

The bank, issuing notes, depends upon its business depositor to take what he needs of them to pay out in the conduct of his business. This puts them into circulation. No more are taken out than business needs. Another business depositor, getting more of them than he needs, brings them back to the bank, where they are retired. Business thus regulates their volume. The Government bank has no depositors and can get its notes into circulation in no such way. It has no automatic method of getting information as to how much money is needed by trade, and could not act upon it if it had. The Secretary of the Treasury, ostensible Manager of the Bank, has his hands tied. The Government currency once out stays out; and, as if natural conditions were not strong enough to keep it out, the legal tenders, when they come in for gold, must by law be paid out again.

The tendency of an irredeemable Government currency is to drift to the money centres, and there, when its volume is too great for the uses of legitimate trade, to incite to inflation and speculation. Once at the great centres it stays there, and this is the cause of the dearth of money in the West and South. It is the real reason for that honest cry (of which dishonest leaders take advantage and fan into a dangerous flame)—the cry for more money—which ever and anon sweeps into a whirlwind, now for silver, now for State money, now for fiat money, for people's money, money on farm mortgages, money

per capita, by the barrel, tons of it, millions and millions! I do not wonder that our Representatives from those regions which have been denuded of the natural right of a community, the right to bank-notes, feel that they must heed this cry.

There is a good honest remedy for all this. It is through the permission of note-issue to banks, without specially pledged security, under proper general supervision. We have this supervision in almost complete perfection in the national system. But the banks are now held down to an issue of 90 per cent against par of bonds. There is no profit in this and so no relief, because banks will absolutely refuse to put out a single note voluntarily unless there is a profit in it. The issue must eventually be not against bond security, but against the general assets of the bank with provision for daily redemption, so that the notes will stay to do their work in their own neighborhood, thus clothing them with all the advantages claimed for State-bank issues, but with none of the dangers.

The real want thus met, the dangerous, ignorant, but honest cry for money will cease. Above all and before all, Government money, the legal tenders, must be wiped out. They are danger-breeders, inoculated with fiat poison, clumsy, unscientific and out of place. The Government must go out of banking, a business which it is manifestly unfitted for, and a business which has proved disastrous to governments in every historical instance. It must adopt once more the high and only prerogative of a state with regard to the issue of money, namely, the stamping upon precious metals the state's certificate of their weight and fineness.

WILLIAM C. CORNWELL.

WHY GOLD IS EXPORTED.

THE large and continued exports of gold from the United States to Europe during the last few years and recently, at seasons of the year in which imports of the metal should rather have been expected, have called forth much comment and anxious inquiries as to the reason of the movement. Under ordinary circumstances and for a long series of years it was considered natural to *export* gold in the spring, when our crops of cereals and cotton, etc., had been marketed, and to *import* gold in the last quarter of the year, when the exports of these commodities again came into active operation after the new crops had been garnered. During the last few years, however, these normal conditions have undergone a gradual change. First, the autumnal imports of gold began to decrease, then to cease entirely, and finally were superseded by an actual outward flow of gold in the midst of the full export season of our products.

Whence this great and important change? Did we import so much more merchandise, coincident with the decrease in value of our articles of export? Did a vast amount of our railroad and other securities come back to our country to be paid for here?

To a certain extent these were the factors that caused gold to leave us, and the first impetus to cause our securities to come home was undoubtedly given by the Baring collapse in 1890. But these factors no longer exert their influence, in so far as the merchandise balance has turned largely in our favor, and the flood of American securities back to this country has virtually ceased. It is argued that Europe has no longer large quantities of our securities to return; but while it is true that Europe's holdings are very considerably reduced, there is still owned abroad a vast amount of our securities, especially those of the well-managed and dividend-paying railroads such as the Pennsylvania, Illinois Central, New York Central and other Vanderbilt properties. It has been claimed that France, Germany and Russia were vying with each other to accumulate gold in preparation for an eventual war, and that Austria was drawing gold from us in order to carry through its currency reform and the adop-

tion of a gold standard. All these statements have truth in them, inasmuch as these countries, for one reason or another, wanted or required gold. But why should they not only look to the United States for it but actually succeed in drawing it hence, instead of from Great Britain, or from each other? Desire to attract gold is not sufficient: there must be some right to call for it. Temporarily gold may flow from the country in which a lower rate of interest prevails to the country in which a higher one can be obtained, and as Great Britain has had the lowest rates for money, it is thence that the bulk of the requirements of other European nations should have been taken. Such *temporary* movements were seen during our panic of 1893, when the unusually high interest rates attracted a large amount of gold from Europe, only, however, to be lost again as soon as interest rates dropped to the low figures which generally follow in the wake of such financial disturbances. In order not only to attract gold temporarily, but to retain it permanently, there must be an actual, matured debt, which cannot be settled in any other way than by payment in gold, the only universal measure of value.

If it be true that, as stated above, Europe no longer sends us large quantities of securities, and since the merchandise balance is very considerably in our favor, whence then comes this unsettled debt which keeps clamoring for payment in gold, and which, it seems, we can liquidate with nothing else? The explanation is simple enough, but as the items that go to make up this debt are not subject to statistical verification, and are nowhere officially reported, they are but rarely quoted and not sufficiently taken into account when the subject is debated in our press and in the halls of Congress.

The United States owe to Europe (apart from the ordinary merchandise balances as evidenced by the Custom House returns) annually:—

1. For money spent by American travellers abroad, about.....	\$100,000,000
2. For freights carried in foreign ships, about.....	100,000,000
3. For dividends and interest upon American securities still held abroad, minimum.....	75,000,000
4. For profits of foreign corporations doing business here, and of non-residents, derived from real estate investments, partnership profits, etc., about.....	75,000,000
Total.....	<u>\$350,000,000</u>

These figures have been carefully gone over and represent a very conservative estimate, so that the actual total is more likely to be

larger than smaller, making no allowance whatever for undervaluations of merchandise imported into the United States.

In order to pay this vast annual indebtedness to Europe the balance of trade in merchandise would have to reach at least this sum, but it has never done so. The merchandise balance (including exports of silver) in our favor in 1894 was \$264,000,000, and large as this was, it still left a very large amount to be paid for. This balance could be paid only in securities or in gold. So long as European creditors were willing to take our securities or reinvest their balances in American enterprises, there was no inordinate call for gold, but as they no longer seem to wish to take our securities to any extent nor to make permanent investments here, there is nothing left but to ask for and insist upon payment in gold.

And this leads up to the other question: Why do they not wish to take our securities or make investments in our enterprises? Simply because the developments in our railroad management have filled would-be investors with disgust and anger, and above all because they are dismayed at the condition of our Treasury and our currency, and fear that if they leave or invest money here, they may not be able to get back as good money as they gave. They have no doubt of the good intentions of the Government to uphold the parity of gold, silver, and paper, but they cannot help doubting its ability, under the present conditions, so to do. Thus, fear is one of the main causes, and this fear will not be dissipated until we are on a sound basis, and no basis is sound that does not provide for a redemption of all currency in the money of the world—*gold*.

Without desiring to touch upon the respective merits of gold and silver, as money metals, it must be conceded that so long as we wish to deal with, and attract the capital of, the great nations that have been creating and accumulating wealth for centuries before the United States existed, we must be ready and able to pay in the same measure of value adopted by them, rightly or wrongly, and that is *gold*. It is not sufficient to have a form of money that may be acceptable to *our* people: it must be *universally* acceptable. The same feeling that prevails in Europe is making itself felt at home, and as a consequence capital here is also reluctant to enter upon new enterprises, and business is stagnant, and money, withheld from fructifying use, commands but nominal rates of interest.

That the people of the United States require European capital for the full development of the great resources of our country there can

be no doubt, and we cannot hope to attract it before we succeed in getting our currency upon so sound a basis that the world will recognize our ability to redeem every pledge at its fullest international value.

According to the report of the Secretary of the Treasury there have been redeemed in gold, since the resumption of specie payments in 1879, about \$260,000,000 of greenbacks, but as they had to be reissued instead of being cancelled when so redeemed, the amount outstanding has not been reduced, and they can continue to draw gold from the Treasury up to the point of absolute exhaustion. The fear that this stage of exhaustion may be reached, and *all* the gold in the country be gradually drawn from us, is at the root of our present troubles.

That this fear is not imaginary, but actually exists, is evidenced by the fact that various foreign insurance companies, domiciled here, have orders from the home offices to remit immediately all premiums collected; that mortgages on the best property, owned by foreigners, are not renewed at maturity, but the proceeds ordered home; that bankers, when offering good bonds, receive the reply that clients are no longer investing in American securities; that real estate purchases in New York arranged for by foreign corporations have been abandoned.

If the millions of greenbacks redeemed in gold within the last fifteen years had been cancelled, instead of being reissued, a gradual contraction of our circulating medium would, it is true, have taken place. But as we were continually adding to the circulation, first by the annual coinage of \$24,000,000 to \$30,000,000 in silver dollars, and then by the annual issue of about \$54,000,000 of coin certificates, this would have been rather an advantage than otherwise. We are suffering rather from too much, than from too little, money. The desire in certain sections of the country for a debased currency, or what is called "cheap money," is the consequence of the desire to pay existing debts as easily as possible. But have these debtors given the question a thought of how and under what onerous conditions new debts will have to be incurred when such money has become the basis of transactions?

Much stress is laid also upon the necessity of giving to our currency more elasticity than it now possesses. While this certainly is extremely desirable, the paramount duty, at present at least, is to take the Government out of the banking business, and to pro-

vide for *safety*, leaving the question of arranging for a more elastic circulating medium to be worked out with care and circumspection by able financiers when the country is not under the pressure of requiring speedy legislation to maintain the high standard of its credit, and thus avert any possibility of disaster. In order to ameliorate the situation, and to gain the confidence of our best customers so that they will readily trade with us, giving us their wares for our products, and place their surplus in American investments of every kind and shape, two things must be done. Corporate management must become more honest, reliable, and circumspect, and, above all, our currency must be put upon an absolutely sound basis. The time for experimental financial legislation is past. In any plan for reform it should be provided that greenbacks and coin certificates (Treasury notes), when redeemed, shall be cancelled, and not reissued, and they should be funded into a low-interest-bearing, long-time, *gold* bond that will find a ready market both at home and abroad, especially if it be issued in small denominations.

The resumption of specie payments in 1879 was followed by great imports of gold and an era of general prosperity. May we not expect, therefore, without being too sanguine, that when the United States Government can prove to the world at large that it intends to be, as it has hitherto been, honest toward its creditors and amply *able* to satisfy every claim upon it, the outgoing tide of gold will cease, to be followed by an incoming tide, carrying with it renewed enterprise, full employment for labor, and prosperity for all?

ALFRED S. HEIDELBACH.

THE PROGRAMME OF GERMAN SOCIALISM.

FOR many years, and at present perhaps more than ever, so much silly or malicious nonsense has been written and is being written about our Social Democratic movement, that I consider it my duty to accept the invitation of the editor of *THE FORUM*, and to state briefly what we are and what we want. Social Democracy has become such an important factor in our whole political life that the course and essence of German and European politics cannot be understood without a knowledge of the Social Democratic movement. Caprivi, the late Chancellor, said once in the Reichstag, that all legislative measures of the Government were framed from the point of view of the effects they were likely to have on Social Democracy; and thus it was confessed, by the head of the Imperial Government, that Social Democracy is the axis around which the political world of Germany is revolving.

I am asked to write on our "working" programme. If this should imply that we have two programmes—a working or practical programme and a theoretical programme—then I should have to disappoint the readers of *THE FORUM*; for we have but one programme, the one containing our principles and their application. We do not admit any distinction in principle between theory and practice—if the theory is right, practice cannot be opposed to it, practice being nothing else but applied theory.

After the last congress of our party—at Frankfort-on-the-Main—our adversaries reproached us with having two programmes, one pronouncing the last consequences and aims, and the other discreetly hiding them and exhibiting a brilliant set of fascinating delusions: the former for ourselves, for the initiated, the latter for the common herd. What fools we are taken for! In our principles lies our strength, and twenty-four years ago, in a treatise on the "Land Question," I plainly and unreservedly said, and proved, that hiding our ultimate aims would be suicidal stupidity, and that the truth and logic contained in our programme constitute the irresistible strength of our party.

Of course, when we have a village-meeting we do not give a lecture on Marx's "Capital," but we speak about the villagers' economic and social situation, about the debts of the small peasants, the wages of the agricultural laborers, the misery in which they both have to live, and the reason why. We show the working and action of capitalism, how capital destroys property,—the property of all those who have to live on their handiwork; how property is in a state of constant warfare, how small properties are devoured by big properties,—the small farms by the big farms; how of the five and one-half millions of *soi-disant* landed proprietors in Germany according to the later published statistics, half a million at the utmost have still real property of their own, and how the others are proprietors only in name, who will soon disappear, swept away by the crushing power of capitalism. And if we succeed in getting the ears of our hearers, we win them.

It is stuff and nonsense to talk of the "anti-collectivist peasant": the big land-owners are anti-collectivists, like the big manufacturers and merchants; but the small peasants are quite as open to our doctrine as the small tradesmen of the towns,—and the agricultural laborers quite as much so as the industrial laborers. What renders the propaganda more difficult in the agricultural, than in the industrial, districts, is principally a question of space and time. The agricultural population is more dispersed, so that we cannot reach the masses so easily as in the town; people must be taken *en detail*, which of course takes longer and requires more patience and pains than spreading the propaganda in the towns where the masses are concentrated.

No, we have no double programme, as we have no double truth and no double moral. What we *will* we say, and our deeds correspond to our words. Our adversaries cannot say this of themselves; their actions belie their professions. Theory and practice—one for us—are for them separated by a wide gulf, in which honesty is drowned and out of which rises the basest hypocrisy. They talk sanctimoniously of religion, order and morality, and in the same breath they call for measures of oppression, by which the greatest party, comprising one-quarter of the whole German nation, is outlawed, civil war virtually proclaimed, and the laboring classes helplessly delivered over to the clutches of capital. Instead of practising charity, they ask for charity—that is to say, for alms out of the pockets of the laboring people, alms for the rich taken from the

poor! Here you have the political secret of our *Junkers*, who, united to the industrial magnates have, under the glorious government of Bismarck, in the shape of duties on corn and industrial produce, of "benefices" on spirits, sugar, etc., robbed the German people not of millions, but of milliards; who conspired against Caprivi, because as an honest man he tried to diminish their "profits"; and who, after the overthrow of Caprivi, are now moving heaven and hell to bring back the golden times of Bismarck.

Our programme has always been a "working" programme. We never lived and dreamed in cloud-land. We always traded and worked on the solid earth. We applied our principles to all forms of life; and by this we won the masses.

Do you think that the nearly two millions of men who voted for the Socialist programme on the 15th of June, 1893, and to whom must be added nearly a million of voteless young men between 20 and 25 years—do you think they are a mob of "discontented" people who do not know what they want and, like silly children, only know what they do not want? Think what these numbers mean! They represent one-fourth of the entire body of active, that is of voting, electors, and consequently one-fourth of the entire population of Germany,—an Empire of twelve-and-a-half millions in the Empire of fifty millions. And not the worst fourth! The best, the cleverest workingmen of Germany are Socialists. The towns and provinces in which we have most adherents are the intellectual centres of Germany, and yield the smallest number of criminals; while on the contrary all those parts in which the *Junkers* and other saviors of religion, order and morals predominate—the East Elbian provinces, including the "German *Vendée*," Pomerania—have, according to the official statistics, the highest criminality and the lowest intellectual scale. And he must be very superficial who thinks this to be a mere accident.

Our programme, therefore, consists of a declaration of principles and of the practical and concrete demands founded on these principles. We do not want to abolish private property; it is only private property in the instruments of production that we want to abolish, because it gives the possessor power over his fellow-men and renders them economically and politically dependent on him. Labor is to be organized nationally and internationally, to the benefit and in the interest of all, with equal rights and duties for all. Instead of private production and speculation we want to have all the eco-

conomic functions of society performed by, through, and for the commonwealth. The commonwealth is to be substituted for the private speculator, who has only his own private interests at heart. Thus, our Democratic Socialism is not to be confounded with the "state-socialism," of which we hear so much in recent years. No word has ever been more misused than the word "socialism." The Bismarckian police laws for insuring the workmen against sickness, accidents and invalidity have nothing whatever to do with Socialism; they are in reality nothing but a reform (and not a good one) of our poor laws. And as to the state-socialism, favored by Bismarck and by many reactionaries in the highest position, it ought in truth to be called state capitalism—the state, governed by our *Junkers*, is to abolish all private property in the instruments of production (railways and mines included), and is to be put in the place of all private proprietors—the state is to become the sole proprietor, the sole capitalist, the sole master who makes the people work and slave for the governing classes. The essential criterion of Socialism is the abolition of wages-work, for which is to be substituted the system of associated work, of fraternal coöperation.

Socialism has been accused of aiming at the oppression of personal liberty. Now I beg you to look at our programme, and you will see that every point of it is a striking refutation of this childish reproach. What do we ask for? Absolute liberty of the press; absolute liberty of meeting; absolute liberty of religion; universal suffrage for all representative bodies and public offices in the state and the commune; national education; all schools open to all; the same opportunities of learning and education for all; abolition of the standing armies and creation of national militia, so that every citizen is soldier and every soldier citizen; an international court of arbitration between the different states; equal rights for men and women—measures for the protection of the working classes (limitation of the hours of work, sanitary regulations, etc.) Can personal liberty, can the right of the individual be better guaranteed than by this programme? And can any honest democrat find fault with this programme? Far from intending to suppress personal liberty we have the full right to say that we are the sole party in Germany that fights for the principles of democracy.

And something else is demonstrated by this programme: that we want the legal, constitutional transformation of society. We are revolutionists—no doubt—because our programme means a total and

fundamental change of our social and economic system; but we are also evolutionists and reformers, which is no contradiction. The measures and institutions we demand are to a great extent realized already, or on the point of being realized, in advanced countries, and all are in harmony with the principles of democracy, and, being thoroughly "practical," they constitute the best proof that we are not as we are depicted—brainless fellows, who disregard the hard facts of reality and who are going to break our heads on the granite bulwarks of state and society.

The founders of your great commonwealth were quite as much—and very similarly as we are at present—misrepresented and calumniated by the tyrants of their time, and persecuted too. From the beginning of our movement we had to encounter the hostility of the Government and the ruling classes. Without intermission we have been persecuted. Hundreds and hundreds of times we have been condemned for crimes which in free countries are unknown or are even regarded as duties of free men; for example, for pronouncing our opinion, for demanding our rights, for making use of our rights.

Under the rules of the infamous *Socialistengesetz* years of prison—the millennium of Bismarck!—were imposed on us, and thousands of us were driven from our homes and families, outlawed and ruined. And what for? For taking part in the elections. For distributing voting tickets. For meeting without the permission of the police, who did not permit any meeting. These are all artificial crimes—crimes created expressly to destroy our party.

But all persecutions were in vain. Our party continued to grow. When Lassalle died thirty years ago his followers in the whole of Germany did not count 7,000. Now we have nearly 2,000,000 socialist electors—that is, men above 25 years of age. The growing and grown-up population below this age, not having the right to vote, is not included in that number, and the young generation, our future citizens, in all towns and in a large part of the country are socialists to the marrow.

The following figures will show the growth of Social Democracy. At the general elections since the foundation of the German Empire we had votes:

Year.	Number of Socialist votes.	Mandates gained.
1871.....	124,655.....	2
1874.....	351,952.....	9
1877.....	493,288....	12
1878.....	437,158.....	9

Year.	Number of Socialist votes.	Mandates gained.
1881.....	311,961.....	12
1884.....	549,990.....	24
1887.....	763,128.....	11
1890.....	1,427,298.....	35 ¹
1893.....	1,786,738.....	44 ²

These figures speak for themselves. With the exception of the elections of 1878 and 1881, when the Bismarckian reign of terror was at its climax, and when our members were not yet accustomed to the new tactics made necessary by the lawless brutality of our oppressors, we see a constant rise; and the next election—of 1884—shows again a great increase, and the last election under the Socialist law—that of 1890—brought us at the head of all other parties, and broke the power of Bismarck, the *major domus* of the Hohenzollerns, whom the new Emperor would never have been able to shake off without this tremendous judgment of the German people. In the number of mandates the progress is not so steady, because, owing to our imperial law of election, there is much room for accidents in the distribution of the mandates.

The following figures will give you a comprehensive picture of our two last elections:

On the 20th of February, 1890, there were cast the following votes:

The Social Democrats.....	1,427,298
The Centrum (Catholics).....	1,309,565
The National Liberals.....	1,189,112
The Progressists.....	1,147,863
The Conservatives.....	919,646
Free Conservatives.....	457,936
The Poles, Danes, etc., together about.....	750,000

On June 15, 1893, there were cast the following votes:

The Social Democrats.....	1,786,738
The Centrum (Catholics).....	1,468,457
The Conservatives.....	1,038,555
The Free-Conservatives.....	438,435
The National Liberals.....	996,980
The two broken branches of Progressists together.....	924,920
The Anti-Semites.....	263,861
The Poles, Danes, etc., together about.....	750,000

If the election of 1890 overthrew Bismarck and his majority, the election of 1893 dealt a stunning blow to militarism. The Reichstag of 1890 had been dissolved for refusing to sanction the

¹ By a supplementary election we gained one mandate more: 36.

² By supplementary elections we gained two mandates more, so that we now have 46.

new military bill. The questions before the German electors were, Is our immense standing army again to be increased and the people crushed by fresh taxation? Or shall we break altogether the yokes of standing armies, and prepare for a general disarming by an international congress? And the answer was that out of a total of 7,674,000 voters, in round numbers, 4,350,000 voted against militarism and 3,330,000 for it,—a majority of more than 1,000,000 against militarism in the home of militarism. That is indeed a great fact—a great victory won by civilization, and won under the guidance of Social Democracy, which is the representative of all popular demands, the champion of Liberty, Peace and Humanity.

This constant growth of our party, this growth under persecutions of every kind, in times of peace and in times of war, under common law and under exceptional law, is without parallel in history. You have had many “booms” in your gigantic commonwealth, but booms do not last long: they are like a hurricane swiftly increasing in strength and swiftly dying out. Our Social Democratic movement is now—as far as we can fix for it a beginning, a birthday, so to say,—more than thirty years old, and it is continually growing. The Chartist movement in England, which in some respects had most resemblance to it, did not last half that time, and had already, after the lapse of ten years, passed its zenith. Such wonderful growth is the proof of wonderful vitality; it would have been impossible, if Social Democracy were not the natural result of circumstances, the natural fruit of our social and economic development.

Nobody can swim against the tide of time, nobody can make it turn. And the tide of time is the working of the elementary laws governing the social and economic world. The tide is with us, to be sure. We owe much to the faults and the shortsightedness of our enemies; and Bismarck, by his remarkable talent for disorganizing everything and making everybody uneasy and discontented, has certainly done much to promote our cause (as part of that power, which always strives for the bad, and always does the good, like Mephistopheles). But we should never have had any lasting success if the “logic of facts” had been against us. Persons have nothing to do with it. Hero-worship is the pastime of political children. If we rob history of all its “heroes,” we only clear it of so many myths. Before the sharp eye of critical science the heroes disappear, and we find that our civilization is the collective work of mankind,—work done by myriads of generations,—and that mankind would be just as far ad-

vanced as it is had all the great conquerors, kings and other heroes, of whom history tells us, not lived at all. If a political, social and economic system is doomed, that is to say, if it has become opposed to the vital conditions and interests of society, no man and no power can prop it up. The old Roman Empire died under the best Emperor not quite as fast as under the worst. No heroes could have averted the final catastrophe. We agitators of to-day do not pretend and cannot pretend to be greater agitators than Ferdinand Lassalle. We know that we are not his equals. And yet our successes are far greater than his. Why? Because in Lassalle's time capitalism, quite new then in Germany, was in its infancy, and had not yet shown its capacity for destroying property. The immense majority of workingmen and all small trades-people (the agricultural population was then still slumbering) believed stanchly in the gospel preached by Schulze-Delitzsch: that the interests of capital and labor were in full harmony, and that by dint of diligence and economy anybody could become a well-to-do and independent proprietor. Now, thirty years later, capitalism has made such a revolution, and its effects are so evident, that there is no workman and nearly no tradesman in Germany who still believes in that beautiful but untrue children's tale; and honest Schulze-Delitzsch, once "the king in the social empire," is to-day forgotten.

Facts are not only stubborn things, but also great agitators and stern, convincing teachers. And if the facts speak such a powerful language as to show that in Germany, millions of ruined "existences"—the destruction of our small trades-people and peasants, not your middle classes—demonstrate so forcibly the nature and working of capitalism, then you cannot wonder at the wonderful successes of Socialism in Germany.

Being the youngest power on the immense battlefield of the *Weltmarkt* (world's market), Germany has in the last thirty years made giant strides in industrial development; she has got ahead of all other countries, with the exception alone of England and the United States; and having entered the fight as the weakest power, she has had to suffer most, and the number of victims is with us the greatest. And all the victims come to us, the "party of the discontented," as Social Democracy is denominated by thoughtless scoffers.

Yes, we are "the party of the discontented." All the discontented come to us for help—all who have been wrecked in this our "best of all possible worlds," all whose hopes have been blighted, and who

have discovered that their misery is caused by our irrational, inhuman and unjust social and political institutions. Jeer at the "discontented"! Have all beneficial reforms of which history tells us, has all human progress, been brought about by contented people? No; the discontented were at all times the pioneers of progress. Discontent has always been the whip that drives mankind forward.

And those that come to us, come with open eyes and by their own free will. It is an act of *courage* to enter our ranks, for it is an act of opposition, of rebellion even, against the powers that be. So we have only tried people, people of character and resolution. The millions of Socialist electors have been represented by hostile papers as confused, weak-brained fellows, who do not know what Socialism is. That is a scandalous injustice. The fact is, our electors are on the average more conscious of what they aim at, and more consistent in their doings, than the electors of any other party. Every one of our electors and adherents in general has an idea of the fundamental principles of Socialism, while the members of the other parties, none of them excepted, in their immense majority do not belong to their party from conviction, but are at the command of some authority—the priest, clergyman, *landrath*, *bürgermeister*, landlord, mill-owner, or whatever name the authority may have. Our electors never swerve; they stick to the red flag, and neither threats nor promises will bring them into any other camp. The Conservative, the National Liberal, etc., electors are most of them ready to change their party if their authority changes. We had a most ludicrous example when last year at the bidding of anti-Semitic officials many thousand conservative electors voted for anti-Semites and against the Conservatives, who had found out that the anti-Semitic movement, Bismarck's pet, had become rather troublesome. Well, the "boom" of anti-Semitism is a thing of the past—it has only prepared the way for Socialism in districts which we could not reach at once. Anti-Semitism, the "Socialism of the stupid," has been sowing, and Socialism reaps. If you want to see "voting cattle," in the *literal* sense of the word, visit Germany at our next election, and walk about in one of the rural districts on the day of polling. You will see human beings put in cars like calves sent to the slaughterhouse, and driven to the place where the next voting-box is, where the human beings are taken from the car and marshalled to the voting-box into which they have to deposit the tickets given them by their "chiefs." These voting cattle may be Conservative, National Liberal,

Catholic, even Progressist—of this one thing only you may be sure: they are not Social-Democrats.

Social Democracy goes its own way, and it bows to no "*sic volo sic jubeo*" but that of duty. We have our firmly established tactics, which have led us from success to success, from victory to victory. We fight our battles on our own ground and with arms that render us invincible. We do not and shall not allow ourselves to be enticed into mad adventures, where defeat would be sure. If we accept a challenge, as we did that of the Berlin Brewery Ring, then we fight it out, and our adversaries will learn to their detriment that we have well calculated our strength and theirs. The late beer boycott was the greatest struggle of this kind of class-warfare ever waged in any country. It was a real "trial of strength," and we brought to its knees one of the most powerful organizations of employers.

Socialism is in every respect the opposite, the antipode, of Anarchism. Anarchism in its two practical significations means first idolization of *I* and the unbounded right of the Individual; and secondly, resulting thereof, the right of each Individual to enforce his will by any means—the religion of brutal force, the propaganda of the deed. In each of these forms we combat Anarchism on principle. I have no time now to enlarge on this theme. Suffice it to say that we Socialists know and teach that no Individual has either the right or the power to impose his will on Society. Neither a Bismarck nor a Ravachol, neither Czar nor Emperor, can alter the laws that govern human society. And we know and teach that we have to organize the working classes for class-war against the capitalist classes; and we know and teach that "individual fight" in the shape of killing and maiming individual adversaries is criminal folly and can never lead to any revolutionary result. We have from the beginning warned against the anarchistic tactics, which in fact are only in the interest of our enemies and directed by them. If we except the lunatics and the blustering spouters, nearly all "practical" Anarchists (of the "theoretical" ones, being most harmless and in-offensive people, I do not speak here) have been and are still police-agents. Mr. Puttkamer, Bismarck's police-minister, told us frankly in the Reichstag that he preferred the Anarchists to the Socialists; and indeed he had succeeded in raising a crop of anarchistic "*lock-spitzel*" or *agents provocateurs*. But we spoiled his game and Germany has neither Anarchists nor "*attentats*." To recompense us,

we are to have a new gagging bill, which, if it became law and had the effect intended by its authors, might produce Anarchism. But it will not. I do not know whether the Reichstag will accept the bill in some form—in the present, certainly not. What I know is that no gagging bill will have the intended effect; and the importance of the present bill is principally a symptomatic one, as showing the utter absence of statesmanlike thought in our so-called statesmen. Our reactionists—they call themselves “Conservatives”—are indeed the twin brothers of the Anarchists. Instead of believing in the “blessed bomb” or the “saint dagger,” they believe in the holy trinity of Infantry, Cavalry, Artillery, aided by a subsidiary army of policemen, public prosecutors and Star Chamber Judges. That is the whole difference, and it is a difference only in quantity, not in quality. The gagging bill, as proposed by the Government, is simply a law of proscription. Every man in Germany can be put in prison for years if his opinion is not to the taste of his judge—that is the long and the short of this monstrosity.

Add to this the attempt to drag me before a Court of Law because I did in the Reichstag that which was my right and my duty—and you have the temper, the mind, and the sense of our Imperial Government. The prosecution against me is judicially an impossibility, and politically an outrageous blunder. And you know the words of Talleyrand: “Worse than a crime, a blunder.” Many Governments have survived a series of crimes, none a series of blunders. And this prosecution is perhaps the biggest blunder that could be committed; for it puts the Government on the horns of the dilemma—ignominious retreat, or a disastrous conflict with no chance of victory.

Germany is not in a social crisis alone; we are also in the midst of a decisive political crisis. The German Constitution is the most ridiculous anomaly in the world. The pyramid of the Empire has universal suffrage for its base, and is crowned by the “*Pickelhaube*.” Democracy at the bottom, Absolutism at the top—how can that agree? The two hostile principles cannot exist peaceably together; they must fight, and they will fight it out to the end. The English fought it out two hundred and fifty years ago, the Frenchmen a hundred years ago, and we slow Germans are now at it. And we Socialists have to bear the brunt of the battle. Our middle class has not had the courage, or the opportunity to conquer civil liberty. So we Social Democrats have the double mission which

is already expressed by our name: to fight for democratic institutions as well as for social emancipation.

The struggle between Socialism and our Government reminds me of the fable of the Goblin and the Peasant. A Peasant had in his hut a Goblin, who did him no harm, and did him even much good; but he hated him and wanted to drive him out or destroy him. He chased him, he hit at him, but instead of breaking the Goblin's skull, he broke his own furniture. At last, in his blind fury, the Peasant set fire to his house, in the hope to burn and so surely to kill his enemy. The hut became a heap of ashes, and when he left it in his cart, chuckling at the thought of having at last got rid of his enemy, he discovered the Goblin sitting behind him and laughing in his sleeves, quite happy and quite comfortable.

Our rulers can break the furniture and burn the house—Socialism is beyond their reach, Socialism is a necessity. And necessity knows no law but *its own*.

W. LIEBKNECHT.

THE SOCIAL DISCONTENT—I. ITS CAUSES.

THE year 1894 contained an occurrence which, though it marked no change in the seat of empire or in any ruling dynasty or even in the dominance of party, was attended by no wars or portents in earth or sky, was heralded by no boom of cannon or blare of trumpets, yet might with no slight warrant be regarded as one of the most significant occurrences in human history. It was no mere expression of a theory, but was in the nature of a demonstration, peaceful, legal in form at least, and without any pressure from necessity, that the old order of the world, under which from time immemorial the strong have dictated to the weak, has, with at least one great people, passed away, and that an era has been entered upon wherein the weak dictate to the strong. The demonstration was in the passage by the American Congress of the law taxing all incomes of over four thousand dollars a year. An income-tax law is no new thing, but this one differs from preceding ones in that it was passed without pressure from armed revolution, or from war, military establishment, increasing national debt, or any emergency whatever. There were, it is true, some deficits in revenue to be met, but despite all the stupid and interested arguments, they could easily have been met by other and usual forms of taxation, or *a fortiori* by this one without exemption of comfortable incomes. There is no respectable doubt that the tax was imposed purely and simply by a desire among vast numbers of voters that their share of the taxes should be paid by the rich. This, though among the least noisy of the many illustrations of the growing social discontent, is probably the most portentous. The matter has reached a point where its discussion in almost any form may be of use, though the papers are so full of it that a writer undertaking it without a self-distrustful smile would show himself probably lacking in humor. But the papers necessarily treat it very fragmentarily, and I venture to believe that very few of the readers of anything but "Labor organs" begin to apprehend the nature of the ignorance, credulity, and prejudice at the bottom of the social discontent, or, on the other hand, the honesty and self-respect in the same position. I shall try to illus-

trate both by circumstances which, whenever I have had occasion to tell them to such people as the majority of those who read this Review, have aroused surprise.

First, however, I shall attempt to summarize the principal causes (which have all been mentioned right and left) of the recent rapid growth of the social discontent, and after giving the illustrations I have alluded to, of the chaos of popular ignorance, prejudice, honesty and self-respect, I shall attempt to indicate the economic doctrines which, in such a soil, furnish sustenance for the discontent.

Its recent rapid growth has had for its most general cause one which I think I saw pointed out in the "Evening Post" in a profound and admirable application of Sir Henry Maine's great generalization. The writer attributed the growth of the discontent in modern times not only to the growth of education and the tendency to think, but more generally to the change of the vast masses of mankind from the condition of status to that of contract. The slave, the thrall, the serf accepted their conditions in dogged silence; but as the laborer has increased in opportunity to contract for his services, his discontent has kept pace. And now, at last, he is agitating schemes to rise superior to the policy of contract, although that policy alone has made possible his progress, and the progress of civilization itself; he wishes to dispose of all property by fiat, not knowing that that policy kept his forebears enslaved, and if returned to (which fortunately it cannot be) would bring general slavery back again.

A reason why the discontent has grown fastest of all in Germany, France, Italy, and America, would be suggested by the fact that of late years those nations have increased the protectionist features of their tariffs. The laborer has been put under the most expensive and onerous of all forms of taxation, his industries have been subjected to abnormal stimulation and collapses, and naturally he is writhing, without, in this regard, knowing what is the matter with him. He is learning, though.

The discontent in America, however, where it is still less than at least on the continent of Europe, has had, among others, three special causes,—first, the spectacles constantly before the working classes, owing to our facilities for the sudden acquisition of wealth, of people of their own grade enjoying luxury and some sort of position; second, the growing snobbery of the press; and third, excessive immigration from countries where harder conditions than ours have given more occasion for discontent.

I have heard President Cleveland's maintenance of order in Chicago during the strike, called a war on labor in the interests of capital, and Altgeld lauded as the peer of Lincoln and Washington, and these sentiments were rapturously applauded. The speaker was a foreigner. All the rational, temperate, helpful discussion of this class of questions that I have heard from workingmen, has been from Americans; with but one exception, all the crazy, destructive talk has been by foreigners. American social discontent is, in its worst form, of foreign manufacture. Indeed, the American laboring-man is hardly any longer a leading characteristic of this country. When he was, he did his work, saved his money, enjoyed and advanced his life, and spent no thought upon any agency for doing so but his own energy and frugality. What passes for the American laboring-man now consists largely of importation from inferior conditions, with inferior education and balance, a childlike dependence on government, and a fixed intention, through it, to better his condition at the expense of somebody else. Yet I by no means intend to say that the native has had no share in the social discontent of this later day. Under it, he has set Yankee ingenuity at work the country over, but most effectively in the South and West, on schemes for getting suddenly rich,—he has been a Populist and an inflationist, I do not think very often a full-fledged socialist: he has too much of that same Yankee sense for so great a fallacy. But he has generally been law-abiding, good-natured, and, in intention at least, constructive: seldom destructive, never anarchistic. And when his minor follies have been demonstrated, he has been quick to see the signs and change his vote. It is not often, however, that he is now merely a laboring-man without capital, and I hardly know how far to attribute to him the opinions I am to speak of later.

The spectacle of his erstwhile bench-mate in a brand-new high-back victoria, with a big diamond in his shirt front and another on his finger, does not tend to keep the workman at ease in his humble estate; and the spectacle of such people acting in the various political councils—from those of the cities up to Congress itself—tends to make the man still at the bench think his "opinions" on public and economic questions as good as anybody's.

As for his wife, one of her chief consolations in her intervals of rest, has become the so-called "society news" which has lately been occupying increasing space in all the papers, and even inspired the creation of some papers especially for its setting forth. The nauseat-

ing stuff has now reached the point where, though many people of position despise it, the mails of the city editor are weighed down by the applications of the *nouveaux riches* to have their doings chronicled; their crushes and gorges are described as "elegant entertainments," and even the country papers call it a "*fête* of some of our young society people," when the clerks of the village butcher and grocer take the seamstress and the milliner for a straw ride. This sort of thing is bearing more fruit in "labor troubles" and mad legislation than is taken into account by the editors who purvey it believing it at worst merely foolish. To the workman's wife, or daughter, it makes no difference that the vast majority of the people so chronicled are not really "society"; and so far as they are her own quondam associates (which is quite far), the irritating stimulus is all the more effective.

Now for a few illustrations of the state of popular intelligence and character in which the discontent has taken root. Once last winter I heard a socialist haranguing the Sunday-night audience in the hall of the University Settlement Society in Delancey Street, New York. The audience consisted almost entirely of working-people, well-fed, well-dressed, and, I doubt not, with money in their pockets. The speaker's theme was that Socialism was the only avenue of advance open to the working classes, because, according to Lasalle's "iron law of wages," under the system of private property and wage-payment, the utmost the wage-earner ever could hope for was the very least that would keep body and soul together and in wage-earning order. And there sat the well-dressed, well-fed, well-to-do audience of wage-earners, and calmly swallowed that statement, while in their own persons they flatly contradicted it. In the discussion which followed, not one of them questioned it. On this basis of stupid untruth, and with reiterations of the equally untruthful statement that the present economic system is inevitably making the rich richer and the poor poorer, the speaker, amid frequent applause, built up his argument for Socialism. After he got through, and the topic was open for general debate (the educational process in vogue there being to give both sides a hearing and trust the truth in the long run), one of the audience stated a few of the facts gathered by Atkinson, Wells, Giffen and other investigators, which entirely obliterate the speaker's argument. But his defence, amid general enthusiastic applause, was that the investigators had evidently doctored their figures in support of "capitalism."

Another time, when conciliation and arbitration were under discussion, the secretary of a tailors' trade-union said that he did not believe in them, because, although the workmen were always right, the arbitrator sometimes decided against them. At first, of course, I thought he was joking, but he was not.

So much for the ignorance, credulity, and prejudice of those workmen: now for their self-respect. Nothing said by the speaker during that first evening met with heartier approval than that the workman does not wish charity, and that charity is deteriorating to self-respect and working-power. And I do not think that the hearty endorsement of these sentiments was promoted by anticipation of the speaker's following remark, that what the workingman does want is justice,—which, it was soon made plain, in the view of the speaker and the majority of his audience, consists in an even division all around.

One more illustration of the spirit of independence and fairness which underlies all the prejudice and gullibility of those people: somebody was talking to them one night about getting ahead in the world, citing the facts and saws new to them, though familiar to most who will read this, of "twenty-five years from shirt-sleeves to shirt-sleeves"—that nine-tenths of the employers were once laborers, etc., etc. All in the audience whose employers began as wage-earners were asked to hold up their hands; then all whose employers got their businesses by inheritance or otherwise than through their own work and savings; and lastly, all who did not know how their employers reached their positions. The first show of hands largely outnumbered both the others, and the speaker thought he had made a pretty fair case to stimulate and encourage his audience. But when he was laid on the table for dissection, the first operator, a cheerful looking little workingman of about fifty, said he thought it was bad to advise young workingmen to try to get rich. In his opinion, "The fellows that get rich are the mean low-down chaps who never stand treat or go to a ball-match or take a glass of beer." The reception of these observations was rather a tribute to their humorous element than an expression of popular opinion one way or the other. But there was a thundering burst of approval when a gentleman well known in reform works chimed in with the preceding speaker, saying: "I don't believe in encouraging the poor man with fruitless hopes. Not one in ten can ever get rich, any more than one in ten million can ever be President. Their best way is to stick to their

own class and do what they can in it, like Joseph Arch and John Burns." The advice was open to question, but the sentiment receiving it was not.

The laboring-man's general position on economics, every intelligent newspaper reader, if he has thought about it, knows for himself; but unfortunately, notwithstanding its wide treatment, there are hosts of educated and influential people who have not really thought about it. Certain facts regarding our social situation need iteration and reiteration until iteration becomes sufficiently damnable to disturb the large majority of intellectual people who are peacefully sitting, reading physical science and the classics, on a crust covering a mephitic chasm or, as many think, a volcano.

This article is confined mainly to the fallacies in the wage-earner's reasoning, but before going into them more specifically I wish to state most emphatically that I do not by any means think that all his causes of discontent are fallacious. My position is almost the opposite: I think most of the hardship of the workingman's position comes from causes as substantial as those that make the difference between a man five feet high and one six feet high; but I think many of his views are as mistaken as would be those of the little fellow if, instead of making the best of his stature, he were to deny the difference, and at the same time attribute it to the big fellow's tyranny. The big one does impose on the little one sometimes, but the law is protecting him better every day; and probably just as often, in these times, a lot of the little ones get together and impose on a big one, and when he invokes the law, shriek that the law was made for him alone.

I hope that stating some of the mistakes of the less fortunate man will not be taken to imply lack of sympathy with him: but to do the best for him, the first essentials are to confine belief to the reasonable, and effort to the possible.

The workingman generally believes five fallacies as firmly, and in some cases as religiously, as his forebears believed in Heaven; and as his belief in Heaven has grown very indefinite, he holds the beliefs that take its place, all the more strongly, passionately, bitterly. He believes, first, that the world is his, for he made it; second, that it has been taken from him by the superior strength and cunning of his employer; third, that it is constantly being taken in greater and greater degree—"the rich richer, the poor poorer"; fourth, that if

he can put himself in his employer's place, he can get it back; fifth, that by his ballot (not to speak of intermediary and ancillary measures, such as strikes and boycotts, and making the master's income pay the workingman's taxes), he can put himself in that place, and he is going to do it.

Let us look at these beliefs a little.

First: his reasoning is that all wealth is in material things—improved farms, crops, felled trees, quarried stone, roads, railways, buildings, manufactured goods and chattels. All these were obviously made by "Labor." No one but the laborer ever put his hand to them. To whom, then, can they by right belong but to Labor? The representative of "Labor" is, as a rule, oblivious of such facts as that an ordinary laborer cannot dig a ditch straight without some superior intelligence over him—that if you show a laborer a dead tree and a live one, and tell him to cut down the dead one, he is as apt to cut down the live one (as actually happened in my experience), and think he ought to be "paid for his time," and to get the pay too. He is, of course, still more oblivious that the comforts of the laborer's life are put within his reach only by the cheap production possible under large industry, that large industry must be managed, that the amount of production varies vastly more with the capacity of the manager than with that of the laborers—that of two enterprises with equivalent plant and equivalent labor, one will fail and the other prosper because one manager is good and the other bad—that, in short (not to attempt the proof in detail), after average wages, rent and interest are paid, the rest of the product is as much the outcome of the manager's brains as (in one sense) the whole product is the outcome of the laborer's hands.

Laborers generally have some sort of recognition that management, tools, material, and buildings are necessary, but they do not see why a manager or capitalist should have any larger income than a laborer; while they claim that every man should have what he produces, they are blind to the somewhat recondite facts that whenever a factory "pays," as distinguished from a factory that does not pay, what the first pays is simply what the manager produces, in the second the manager produces nothing, and in both alike the laborers produce what pays their wages.

Though this is theoretically correct, theory of course does not work out more exactly in economics than it does in physics, or as exactly. But there is no more extravagance in the theory that under free competition wages measure the laborer's product, than in

the theory that the speed of falling bodies increases as the square of the distance. Neither case ever actually happened, but the latter would happen in a perfect vacuum, if there were such a thing, and the former would happen in perfectly free competition, if there were such a thing. Competition is generally free enough for practical purposes, however, and is growing more so—an improvement more obstructed by the laborer than by the employer, and obstructed to his disadvantage.

Still less than the facts already alluded to, do the laborers realize the more remote facts that the very existence of the factory, the kind of machinery it uses, the kind of goods it produces, its periods of great and small activity, the purchase of material and sale of product in the best markets, the giving and obtaining of credit, the anticipation of changes of fashion and of good times and bad—that all these things can be successfully determined only by one man in a thousand, that most men who attempt to determine them fail, and that upon the degree of success in determining them, more perhaps than upon the more immediate functions of superintendence which the workman constantly experiences, depends the success of the enterprise. Workmen generally have heard of coöperative production, but they have a very imperfect knowledge of the fact that it has generally failed because the coöperators did not possess enough of the manager's genius, or because, through the meddling of too many owners, they did not give that genius full play; and they are equally ignorant of the correlative truth that where coöperation has succeeded, it has generally been in the industries requiring least of the manager's genius.

The enormous production from invention is, theoretically, a little better understood by workingmen than the production from management, but, under their prejudices, the right of invention to its own production is practically ignored. And why should it not be ignored by them, when it is so imperfectly apprehended among the presumably higher intelligences who direct legislation?

The laborer's (I always feel a protest when I use the word or one of its synonyms in a sense restricted to hand-labor—as if the brain did not well know a toil and a weariness that the hand is a stranger to) the laborer's incapacity, then, to recognize the share of production due to management and capital, leaves him no alternative but his second fallacy—that the share which capital and management get is filched from him; and that the instruments of production have been filched from previous laborers, and are now, instead of blessings

ready for the man who comes naked into the world, engines to extort the lion's share of his production. He fails to appreciate that the capitalist's tools and material, and the landlord's land and buildings are theirs, remotely if not proximately, by the same right that the laborer possesses his own wages or the product of his kitchen-garden, if he be wise enough to live in the country and have one:—namely each man's right to what he himself produces—the very right that he, wrongly in most cases, blames his employer for violating—the very right that he ignorantly violates whenever he claims a share of what the employer has really produced. To him who has no property, "property is robbery." Nine persons in ten—(would it be too much to say ninety-nine in a hundred?)—have virtually no conception of "making money" but that of making it out of somebody else—no realization that "a good trade is good for both sides"; the rank and file of mankind believe that every fortune is an aggregate of petty advantages filched from other men. Of the truth of Mallock's generalization which, whether correct or not, is in the right direction, that the wage-earners make five-thirteenths of the product and get seven, most men have not the remotest conception. There is a vague general impression that a portion of the world is in possession of all the powers and all the facilities, and simply makes the rest of the world do the work, and, after giving that rest enough to keep it alive, pockets everything left over. Hence the bitterness of "the social discontent." And alas! this bitterness often grows from ground more substantial than such narrow views: for the powers of intelligence and capital are often abused. But the bitterness also grows—I sometimes think that most of it grows—from a tradition. What vague reflections of ideas working-people have, and what ideas they reflect, date mainly from Karl Marx; their teachers as a rule know nothing later and want to know nothing later; and the horrors told by Marx of the infancy of "the great industry"—of women and children worked and starved as their employers would not work and starve cattle, of the economic fallacy (though Marx did not know it was one) that there is profit in the over-time of a dying child—all these horrors were enough to turn stronger brains than Marx's. Among the ignorant, the tradition of those miseries survives as a present reality, just as many of the old Know-Nothings I remember, and many of the A. P. A., I presume, attribute to the Catholic Church of to-day all the infamies of the Inquisition and the

mediaeval priesthood. And with the stupefying facts of Marx and his school, survive their equally stupefying theories.

The third fallacy: "the rich richer and the poor poorer," is entirely a survival from Marx and his school. When the individual industry was changing into the great industry, it was true—as much because steam was throwing people out of employment, as because employers had not learned justice and the wisdom of justice, and laborers had not learned combination. That it has not been true for more than thirty years, probably more than fifty, is, as already said, abundantly proved by Giffen, Wells, Atkinson, and others.

Fallacy number four springs naturally from fallacy number two. If the employer is not a producer, if he virtually does nothing, anybody can do that: so if the laborer can get himself into the employer's place, he can do what the employer does, and get what the employer gets. This he can do whether he gets into the place individually or in his aggregate capacity as "the State." That the employer holds the place by using powers that the laborer (with the rare exception who eventually becomes a manager) cannot use, because he does not possess, hardly enters any laborer's head. He thinks it is all the magic of "capital." Still less does he reach the broader conception that if the manager, instead of being called by natural selection, were to be called by ballot, in the present state of political capacity, the share of wealth which the managers produce would, in most cases, not be produced at all, and that which the laborers produce would be materially lessened.

The fifth fallacy is that, in our present grade of political capacity, the laborer can get himself, as "the State," in the manager's place at all. He intends to get in as "the State," because he regards that way as quicker and easier than the arduous way of industry and frugality which, ignore it as he may, put his employer or his employer's ancestor there. He cannot carry out this intention for at least four good reasons: First, the socialist's theories being out of balance, and therefore unworkable, will be proved so in piecemeal trial long before there is any danger of general adoption: consider the recent history of the United States—greenbackism and grangerism and silverism and McKinleyism and Altgeldism and Populism. Details are superfluous. What the last two "land-slides," probably the greatest in our history, meant, was simply that people were working up to a proper understanding of these things. For the same reason, socialists have never agreed

among themselves long enough to accomplish much, and never will. Glance through any good history of Socialism. Rae's is probably the best. It is simply a series of accounts of combinations and dissolutions. A parliament assembles perhaps two or three times, differences arise, the organization splits up, new ones are started by the fragments, they run two or three years, more disagreements, new splits, new combinations. The life of any political party that ever accomplished anything but a revolution is immense in comparison; and a successful "revolution" is not on the socialist cards, however much it may be in their mouths; for despite all their talk, those who can at any one time agree on anything are an insignificant minority. Again, property-owners not only outweigh but outnumber the foes of property, and in an increasing rate. It may justly be said that many property-owners have voted for the special socialistic crazes just enumerated. True, but it is a long way from voting for such fragments of socialistic doctrine, whose recoil upon private property is too devious to be generally appreciated, to directly voting for handing all productive industries over to "the State." Yet I do not wish to be too optimistic. These outbreaks of fragmentary Socialism do a great deal of harm—the panic of '93 was no trifle, and it was due to two socialistic crazes: silverism and protectionism. The latter's damage was, of course, not directly attributable to the craze itself, but to the apprehension of the withdrawal of a vicious stimulant, a thing which is often physiologically impossible without death. Finally: the importance of economics in education is at last recognized, and the increase of such education is fatal to such inconsistencies as Socialism.

Next in importance perhaps to the five concatenated fallacies before enumerated, is a group of three that are specially active in fomenting the social discontent—that high wages cover the whole question, that wages are a small part of cost, and that the rate of wages depends on the volition of the employer.

The first is so simple that its wide bearings may well excite surprise. The laborer seldom reflects that he is a consumer as inevitably as he is a producer—in fact, more inevitably, for he can, and often does, live without producing, but he cannot live without consuming. Oblivion of this fact is the root of the wasteful opposition to prison labor and imported labor, and is also one of the elements of the protectionist craze, so far as employers still suc-

ceed in keeping their men under that delusion. In production, too, this oblivion does harm in several ways. One of them is in the habit of scamping and slouching in order to "make work." If workingmen always labored directly for each other, they would see how scamping work is for the mutual disadvantage; but in manufacturing the master's goods, or in building his warehouse, their imagination cannot ordinarily follow waste down step by step until it appears in the prices of their own supplies; in scamping the tenement, they cannot see the waste raising their own rents; or in building the rich man's palace, they cannot see waste resulting in the destruction of capital which, if preserved, would increase the demand for the poor man's labor.

Could the laborer be brought to understand these things, he would be better prepared to understand that it is an injustice to himself as a consumer, as well as to his competitor as a laborer, that his wages should be any higher than an equally productive competitor is ready to take; that not only is it for the greatest good of the greatest number that all men should be employed at whatever prices the market will sustain—that no man should be left to starve in order that another man's wages may be kept high, but that it is also for the greatest good of the greatest number that those wages shall be the lowest which the productive capacity of the laborers warrants. That wages will be at least as high as that capacity warrants, can in our day ordinarily (I say ordinarily, not universally) be left to the competition of employers, which, helped a little by the trade-unions, is generally "free." But that wages shall be as low as production warrants cannot with equal safety be left to the competition of the employees: for the trade-union machinery generally tries to restrain that competition more than employers try to restrain competition for help. Yet just as far as any influence succeeds in forcing wages above the normal, just so far the wage-earner must pay for the products of all trades, including his own, not only the excessive wages, but in addition all middlemen's commissions on them.

This fallacy I have just been treating prepares the way for the hatred of the "competitive system" characteristic of the working people and of the sentimentalists who befog them. It is natural of course that those who do not succeed under a system should be less alive to its good side than to its bad one, and so it is no wonder that wage-earners should be oblivious of the two facts that employers seeking help bid wages up as much as laborers seeking work bid them down; and

that competition lowers the prices of the things that wages are spent for, vastly more than it lowers wages. Notwithstanding these facts, it is, at first sight, very easy to say that an altruistic society would be very much happier than a competitive one. But the fact is that when we say that, we simply don't know what we are talking about: so far as we know, no one ever saw a purely altruistic society, and the difficulties and contradictions involved in imagining one reduce the whole conception almost to the level of a pseud-idea. Yet I firmly believe that we are moving in the direction of one. I believe too that probably the best thing in human nature is altruism. The sentence is glib enough: but after all, I cannot think of altruism, and I do not believe anybody can, as a thing of any value unless it is accompanied by the capacity to do something and give something. The very least it can give is sympathy, and that is of no value unless it comes from a character of some positiveness. The truth is that, in competition and altruism, nature has been evolving two sets of virtues as opposite as male and female, and has even made the respective predominance of them characteristically male and female. Yet just as a man is a poor creature without sympathies, so is a woman a poor creature without courage, enthusiasm—in short, what we call character. Now character—that which does and resists, as distinct from the intellectual apparatus it does it with, is a product of the competitive system; and just as, in Doctor Johnson's judgment, "God might have made a better berry than the strawberry, but never did," so we may assume, if we want to, that God might have made a better system for developing character than the competitive system, but in human experience he certainly never did. And yet side by side with the competition, *and really as a consequence of it*, has grown up the sympathetic side of the soul. If there had been nobody left behind in the race—nobody to help and pull along, and even bandage and nurse—there would have been no chance for the altruistic sentiments to grow. So inextricably are all departments of our nature and of our environment intertwined, that we cannot think of altruism itself, let alone energy, courage, initiative, endurance, as anything but products of the competitive system.

Yet the wage-earners propose to do away with competition, and think they *can* do away with it, by a stroke of legislation. They might as well attempt to do away with gravitation. The two began together when our cycle of evolution began and the particles of stardust rushed to their centres. There was conscious competition as

soon as there was conscious need of food. Through its corollary of natural selection, it has evolved man himself and all his virtues, and it will not cease until its own processes, helped by others that are growing, have brought the race to a stage where the majority is capable, instead of a stage like the present where the majority is incapable. Then perhaps the help that the capable majority lends the incapable minority will be as adequate, as is now inadequate the help that the present capable minority lends the incapable majority.

Those who hate the competitive system, rich and poor alike, probably will not receive these ideas of it without a long course of education: but they can at least be taught the simple economic workings of that system for the poor man's good, and so something be done to stop his crazy efforts to overthrow it, with all their destructive recoils.

The wage-earner's concentration of view upon only his own wages, keeps him blinded by another prevalent fallacy: that wages are a small part of cost. The workman seldom thinks of the wages that preceded his, on material, and must follow his all the way to the final market.

On the foregoing limited conception is based the third fallacy of which I spoke: that the payment of high wages, or at least a "living wage," is a matter solely of the employer's volition. The relations of laborer and employer are too generally regarded as concerning only those two parties; and two other parties are left out—the community in general and, at times, the unemployed workingman. Whether wages are forced down by justice to men seeking employment, or by consumers refraining from buying until prices fall, the employer is blamed as if he were responsible, and there is an era of discontent, and perhaps pillage, arson, and murder. I heard this fallacy preached one night by a philanthropist universally known and respected for intelligence and practical self-devotion. It was apropos of a recent refusal of the hatters and tailors to advance wages. I asked what those employers were to do in times when people generally incline to wear their old hats and old clothes. The answer was: "If they pay high wages, their employees will wear more hats and clothes."

I asked: "Do you mean that the employer can pay for the material in the clothes worn by the laborer, and also for the laborer's rent, food, and other outlays, out of the profit he can make on the clothes he sells him?" I was answered by a virtual change of subject.

This brings me to one of the most painful and hopeless features of the whole situation. The reasoning just given is a fair specimen of the economic reasoning generally characteristic of educated and refined people whose sympathies with the poor are strong enough to lead them to go down and take off their coats and work among them. Not only are such people all subject to their native danger of being swayed by sympathy, but those the least subject to it see so much of suffering and injustice, that their sympathies are specially stimulated, and they come to believe suffering and injustice to be the invariable lot of the less fortunate classes. Their natural bias becomes identical with that of a leading physician whose specialty is the diseases of women, who told me that he believes marriages are generally unhappy. Of course those he saw the inside of, generally were. So to the philanthropist working among the poor, the cases of employers' injustice are constantly brought, and the first postulate of his economic reasoning is that the superior is always wrong and the inferior always right. Thus these very guides of the poor, themselves become among the chief fomenters of the social discontent, and the chief believers in delusive short cuts out of it.

I hope to say something next month of the practical ways out.

HENRY HOLT.

HAS THE PROFESSION OF THE LAW BEEN COMMERCIALIZED?

I HAVE been requested to give my views to the readers of THE FORUM on the subject, Has the Profession of the Law been Commercialized? Like most sociological questions, it does not admit of an easy or absolute answer in categorical form.

The general question which sociologists are putting to themselves, Is civilized society growing better or growing worse? is answered one way or the other according to the tendency of the observer's mind or according to the class of facts to which he particularly directs his attention. The slums of London or Paris or New York present us with a sombre picture of human depravity. The leisure classes of society, whose main object in life is to amuse themselves, now and then give us glimpses of a refinement of vice reminding us of the days of the Roman Empire. On the other hand, no one would seriously contend that these glimpses of vice fairly represent the character of modern polite society, nor would any one seriously deny that the general tone of the leisure classes is better on the whole than it has been in previous epochs of the world's history, where equal wealth and equal leisure prevailed. So those who take a broad view of civilized society are encouraged to believe that the slums are no worse to-day than the slums of former times, while the great body of the modern community is healthier, wiser, and better than at any previous period. In like manner, when we look at any particular class or profession, we find evidence on the one hand of decadence and on the other of improvement. The profession of the law is no exception to this rule.

In the hurry and bustle of this end of the nineteenth century we must expect to find more or less change in the methods and character of the profession of the law, as well as in every other calling in life. We cannot expect that lawyers of the present day should follow the methods of the lawyers of the end of the eighteenth century, any more than we can expect the same of physicians or even of the clergy.

Tempora mutant et nos mutamur applies to members of the legal profession as to all other men. Daniel Webster, travelling in a stage coach, is subject to an entirely different set of conditions from the modern leader of the Bar, whirled as he is from city to city on the limited express. The high pressure of life in this day and generation must affect the work and the spirit of lawyers as well as of other busy men. Much work must be got through with in little time, and labor-saving appliances are becoming more and more necessary.

The active practitioner in one of our great cities must also avail himself of the services of juniors and assistants in order to accomplish his daily tasks. He must delegate much of his work, or most of it will go undone. Even in the matter of examining authorities and of preparing briefs, it would be a useless waste of time and energy for him to attempt to cover the whole ground without assistance. The multiplication of Law Reports is a marked feature of the day. Chancellor Kent doubtless had read every decision of any importance reported in the various State and Federal Reports of his time. He certainly had read and probably knew almost by heart every reported decision in his own State. Such a thing is now physically impossible. No lawyer in the State of New York can have read, or, if he has, can remember, all the reported decisions of the various Courts of this State. It is almost incredible that any one, unless of phenomenal application and memory, can have mastered the cases even of our Court of Appeals since 1846, as found in the 142 volumes of New York Reports, not to speak of the volumes of Johnson (Law and Chancery), Paige, Cowen, Barbour, Hun, and a dozen or more other series of reports. When we add to this the 154 volumes of the United States Supreme Court Reports, vast numbers of State Reports and Federal Reports, as well as the English Reports, the mind is bewildered by the very enumeration of their titles, not to speak of their contents. Text-books and digests of decisions are of absolute necessity at the present day, and skilled assistance in collecting and analyzing decisions and preparing briefs is almost equally a necessity to a lawyer in very active practice.

The vast and complicated affairs of great corporations and of great corporate trusts, such as those, for instance, which modern railroad companies or trust companies undertake, call for an amount of professional advice and labor which necessarily requires a great expenditure of time and effort on the part of the counsel engaged

in looking after the interests at stake. Such time and effort demand a commensurate compensation.

There has been much criticism of the large fees paid, or supposed to have been paid, to many of our leading lawyers. Some of such criticism is just, and some is unjust. There are, it must regretfully be admitted, many cases in which counsel take advantage of the existence of trust funds in the hands of a Court for administration to obtain, through the good nature of the Judges, allowances largely in excess of the value of their time and labor. There are, also, many cases where counsel have charged excessive fees to estates. In most cases, however, where large fees are paid or large allowances made, it will be found that there are vast pecuniary interests at stake and great responsibility incurred. Besides, it is not generally understood, but, as already indicated above, it is nevertheless the fact, that such fee or allowance frequently represents, although nominally paid to one man as counsel, the work of many men acting together with the counsel to whom the fee is paid—junior partners and salaried clerks—all of whom have given time, labor, research, and thought to the questions involved.

Then, too, the expenses of a lawyer in active practice in one of our great cities are heavy. High rents must be paid, especially in New York City, for offices in convenient localities. Other necessary expenses are also to be incurred. The modern law-office, equipped with stenographers, typewriters, and telephones, must, of course, be a much more highly organized business enterprise than the old-fashioned law-office; just as the modern railroad train must be more highly organized than the old-fashioned stage coach. There are to-day, nevertheless, thousands of able lawyers who do a large professional business in a quiet, simple, old-fashioned way. These men do a referee business, or the business of a Master in Chancery, or exclusively a Court business. In our great cities, however, it is usual to have firms of lawyers, combining the functions of solicitors and counsel, where usually one or more members of the firm appear in Court, while others attend to the office work, the drawing and preparation of papers, the conferences with clients. These different functions in England are separated between distinct classes of the profession—the solicitor and the barrister. In this country these two classes are combined in the same individual, though one man will, by natural selection, take up the work of the advocate or barrister, while the other will more naturally take up the work of the

solicitor or attorney. The distinction is not, of course, a hard-and-fast one, for many of our ablest lawyers do more or less of both kinds of work. But the combination of the two functions in our great law firms is sometimes overlooked in measuring the magnitude of the fees received by such firms.

It will readily be seen from all these facts that the income of leading lawyers is apt to be greatly exaggerated in the public mind. Gross income is one thing; net income, after rent, expenses, clerk hire, and division with partners have been deducted, is quite another thing.

A further significant feature of modern practice is the formation of title guarantee companies. These have greatly interfered with the work of the old-fashioned conveyancer and real-estate lawyer. Formerly, every title had to be examined by some individual lawyer, or firm of lawyers, the records searched, and a certificate of title given. Now, this work is very largely, and in some places exclusively, done by companies formed for that purpose, who employ lawyers on salaries, or on stipulated compensation, for the purpose of examining the records and certifying the title.

It has been suggested that in the legal profession, as well as in other lines of activity, "the individual is disappearing in favor of the large organization," and that additional difficulties are presented to men just entering the profession. To a certain extent this is true. On the other hand, the very growth of organization furnishes opportunities both for the older and the younger men. It not only remains the case now, as it was in Daniel Webster's day, that there is "plenty of room at the top," and that individual lawyers of learning, ability, and force are at a high premium; but there is a growing demand for young men of brains and character and industry as law assistants and title examiners in the corporations above referred to, and as clerks and junior partners in our great law-firms.

The very nature of the work required of the lawyer prevents the complete extinction of the individual. The fierce contests of litigation call forth the highest qualities of individuality. In no sphere of human activity is the rule of the "survival of the fittest" more perfectly exemplified. The man who succeeds in the long run is the man who deserves to succeed. He meets his brethren of the Bar, as the knights of old met their compeers, in the open tournament. Whether he wins or loses in a particular contest, the character of his mettle is seen and known and accurately measured. The lawyer who

impresses himself upon the judges and his brother-lawyers as a man of force and learning is the man whose aid and counsel are sought in future contests. Sham and shallowness and pretence are sure to be discovered. No permanent success can be built up except on the foundation of solid worth.

The work of the advocate is not merely nor mainly the reading and citation of statutes and authorities: it is the analyzing and marshalling of testimony; the logical reasoning upon legal principles; the clear and forcible presentation to the court of the facts and the law of the particular case in hand. Mere rhetorical glitter, mere oratorical brilliancy, are daily growing less effective; close argument and accurate and lucid expression are becoming daily more influential in the determination of the complicated questions of modern litigation.

It follows, then, that intellectual individuality must be, and must continue to be, the paramount force in the higher ranks of the profession in the trial and argument of causes before courts and juries,—and especially in the cold, dry atmosphere of appellate tribunals. Not only so, but in office work, the man of constructive ingenuity, with the grasp of mind to master complicated details, with the soundness of judgment to measure the practical workings of a scheme, with the knowledge of legal principles necessary to avoid dangers and pitfalls, with the patience and industry to perfect and carry out his plans, is the man who is sought after in organizing great corporate or commercial enterprises; in reorganizing and reconstructing insolvent railroads and other corporations; in drawing important contracts involving large pecuniary interests.

The young man, too, as already indicated, finds in some respects a readier opportunity than of old. It is true that starting by himself, in a great city, without influential friends or connections, “hanging out his shingle,” as the old phrase goes, he has a hard and long struggle for recognition. He is lost in the crowd. There is, however, a great demand for “bright young men,” as I have already remarked, as clerks and junior partners in large law firms where the seniors are overworked and are more than ready to turn over a large part of their work to their assistants, and are, as a rule, ready to recognize and encourage any special ability that may be displayed in the management of such work.

I hesitate to write this, for I do not like to say anything to stimulate the *hegira* of young men to our great cities, and especially to the city of New York. My belief is that the average young man

will do better, in the long run, in a smaller community, where character and attainments are sure, sooner or later, to win recognition; and where the rewards of a successful lawyer in social importance and influence are relatively greater, and where a moderate professional income procures a larger degree of comfort and independence. In our great cities, opportunity has much to do with success; but opportunity is of no avail without an ability above the average, enabling the man to impress himself upon his seniors at the Bar as a man of force. The pecuniary rewards of success are, of course, much greater in our large cities than in smaller communities; but the average rewards are less and the possibilities of failure greater. In other words, the "struggle for existence" is more severe.

In view of the situation that I have endeavored to summarize, the question still remains whether the practice of the law has been in fact commercialized? I suppose it must be admitted that on the whole there has been a growing tendency among the profession to desire big fees, and to seek after a large income rather than to pursue the law as a science. In our great cities it has become increasingly difficult to get the leaders of the Bar to forego lucrative practice for the sake of positions on the Bench, where the salaries are limited and are much less than the income of such men at the Bar.

On the other hand, I am sometimes amazed at what seems to me to be the high standard of professional spirit still remaining. Our busiest lawyers are willing to sacrifice time and effort in public matters, without reward, or expectation of reward, of any kind. It is not infrequent for a lawyer in the highest ranks of the profession to give advice or take charge of litigation where the entire amount involved would not pay him a reasonable fee for the time actually spent in doing so because he becomes interested in the case or in the questions involved, or because his sympathies are appealed to on behalf of one who has suffered injury, or who has rights requiring vindication. To the credit of the Bar, too, it must be said that there are still men found who are willing to take positions on the Bench, even upon the pitifully meagre salaries given to the Judges of our Federal Judiciary in the Circuit and District Courts. The wonder is that so many able and learned men have been found to adorn the Bench, and when one considers that a United States Circuit Judge, for instance, is frequently called upon to grant, and does grant, an allowance to a single counsel in a railroad foreclosure suit largely in excess of his own salary for an entire year, one realizes vividly

the pecuniary contrast between the Bench and the Bar. It speaks volumes for the *morale* of the American Bar that it has given to the Bench so many of its ablest men, and that such a thing as a judicial scandal occurs but once or twice in a generation. Judges on a salary of \$6,000, or even \$4,000, a year have under their control great railroad systems, in the hands of receivers appointed by them, where millions of dollars are involved and where the decision of the Judge on a single motion affects enormous pecuniary interests, and yet there has been scarcely an instance in the last twenty years where a Judge has been even suspected of profiting pecuniarily by his judicial conduct, or even of taking advantage of the situation to make money by speculating in stock the price of which would be affected by his decision. It is too much to hope that such a state of affairs will always exist. The fact, however, that it has existed thus far is something in which the American Bar may well take great pride.

My conclusion on the entire matter is that the practice of the law on the whole has not as yet been commercialized. The tendencies are undoubtedly in that direction. In this, as in every other sphere of society, a man will judge of the future according as he is by nature an optimist or a pessimist.

WILLIAM B. HORNBLLOWER.

THE OUTLOOK FOR DECORATIVE ART IN AMERICA.

THE recent competition for the decoration of a new court-room in New York City presented certain features that promise favorably for the future of a national art. This was the first effort of the kind ever made here, and it attracted much attention. After a public exhibition of the competing designs continuing for several weeks, many of them were shown for ten days in the gallery of the Century Club, in New York, and thence sent to the Pennsylvania Academy of the Fine Arts, in Philadelphia, where they were discussed with as critical an interest as they had been in New York and in a spirit intended to stimulate a similar movement there, where also a court-room is to be decorated. Why this departure in the direction of mural painting is such a marked one, why we have not made it before, and how largely it may influence our future art, are questions that may fairly claim consideration.

It is, perhaps, not quite fair to say that we have never, as yet, attempted anything that stands for mural decoration in this country; for there have been certain efforts with this purpose in view; but they represented rather a concession to the conventional demand for sumptuousness and display in public buildings of an official character, than any truly æsthetic instinct which seeks first of all architectural appropriateness and harmony as a *sine qua non*. The Capitol at Washington received many years ago this kind of enrichment. Huge pictures were done on the walls by foreigners imported for the purpose, although work by a few native painters also is to be found there. Strictly speaking, such paintings are not decorations at all, although these historical compositions remained for long years the most important examples of mural painting that we possessed. But this is not decoration, which is to say, that form of painting wherein the artist subdues the resources of his art to harmony with the surroundings: the works were merely painted pictures of given subjects executed on the wall. These compositions bear no proper relation to the architectural plan they were supposed to aid and ornament; they do not show any well-intended effort on the part of the painters to

preserve the aspect of structural integrity of surface, a quality that should be present in all ornamentation of this nature. In the painting of a picture an artist obeys his own taste and instinct, while in a decoration he makes these subservient to the surrounding conditions imposed by architecture—two very different things. If this distinction be borne in mind, it will greatly help our point of view. Later work than that spoken of at Washington has been done by Mr. John Lafarge in Trinity Church, Boston, and in St. Thomas's, New York; and by Mr. William Morris Hunt, in the State House, Albany. Until within the last ten years, however, mural painting has been but sparingly employed by us; and even during this time the opportunities for decorative work have been few. Five or six years ago the Church of the Ascension in New York City acquired a noble altar-piece from the hands of Mr. Lafarge. The World's Fair at Chicago also gave a chance to several of our painters for work on a large scale which, considering the conditions of haste and inconvenience to which they were subjected, proved, on the whole, that our artists possess the true decorative instinct—a bright promise which needs only fair opportunity for fulfilment. In addition to these examples, the following are among the hotels in New York City that have been ornamented murally by some of the best-known painters, who, for lack of demand for work on a larger scale, had before busied themselves mainly with the production of easel pictures: the Plaza, the Imperial, the Waldorf, the Savoy, and the Fifth Avenue. Drawing room, reception room, ball room, dining room and café have afforded spaces, and received at times appropriate and successful decoration. In some of the finest residences, too, there may be seen interesting mural work by American painters; although when one notes how frequently abroad such commissions are given to artists of distinction, the fact strikes us forcibly that we are still far behind in the æsthetic impulse.

In Europe, the Baudrys, the Cabanels, the Laurenses, the Bonnats and the Constants are as naturally chosen to use their intellectual and artistic accomplishments in the service of embellishing the interiors of private mansions of men of taste and fortune, as they would be to paint portraits, or to execute commissions for smaller works. This custom of calling upon the ablest painters for large decorations has prevailed, more or less, in all the best periods of art; and Leonardo could, with equal felicity, trace the subtle and evasive charm in the countenance of the Gioconda, or cover the refectory walls of Santa Maria delle Grazie with the dignified and impressive "Last Supper

of Our Lord." Michelangelo, summoned to Rome by Pope Julius II., filled with sublime figures the pendentives and lunettes of the Sistine Chapel. Raphael would paint a Madonna at one moment, and at another, turn his facile hand to peopling with pagan beauties the ceiling of the Farnesina. Correggio, at Parma, could picture with sensuous and glowing life the stories of mythology, or reveal, in boldest foreshortening of figures, a rapturous vision of the Ascension on a dome of San Giovanni. The fact that the Venetians of their time did not like frescoes in no way prevented those great portrait painters, Titian and Tintoretto, from making noble compositions of heroic proportions—a certain form of decoration that was demanded and which they supplied; and Veronese revelled in the sumptuousness and splendor of contemporary life which he painted also on a gigantic scale. Nearly two hundred years later, Tiepolo, that most brilliant of decorators, painted ceilings in churches and in palaces with matchless art. The names of Venetian merchant princes whose houses were thus adorned come down to us to-day, not as mere money-makers, but because, as men of taste, they encouraged art and thus linked their names with the immortals. If material prosperity thus stimulated art in the past, why should it not do so now?

From the few instances given of decorative work already produced by us, it will be seen that we have reached a point in building when, in the houses, hospitals, churches, hotels, theatres, colleges, and courts of justice that are projected, the growing needs of the people require something more than the adaptability of plan to the purpose it serves. In a word, we have passed the period in architecture of accepting only what is necessary, and we now demand that our taste shall be consulted in the matter. We have been strictly utilitarian long enough, and there is a present disposition on the part of the public to go beyond the obviously practical in the art of building, and to recognize the practicality of appealing to the mind. This is a great step, and it is full of encouragement.

Although I do not say that our artists have, as yet, given us largely of the decorative quality—mainly, perhaps, for lack of opportunity—still I am convinced that they have never before been so well equipped to do so. The discrimination in presenting what is most salient and typical, while leaving realistic studies for the portfolio, is taking art out of the sphere of the pictorial and definite, and into the realm of the imaginative and suggestive. The sentiment of things, and not the things themselves, is what vivifies, stimulates and

inspires. Each man then becomes individual; he does not reproduce, he interprets; and in the proportion that his mental gifts are superior, in just that degree you will mark superiority in his art.

Now it is this power of abstraction, so valuable, and indeed so essential in all decorative composition, which makes the expression "*le grand art*" in France a synonym for decoration, and its pursuit and practice there of the highest importance. Let us concede then, that until the present we have had no intimation of a "*grand art*," but have limited ourselves to easel work and an occasional historical subject or panoramic landscape. Artists here for more reasons than one have been somewhat slow in approaching this broader field. Perhaps the greatest immediate obstacle to the production of work on a large scale is the lack of space to exhibit canvases of great extent. If an artist feels a subject in heroic proportions he has no incentive to attempt it, for he knows that the opportunity to exhibit a composition of unusual size is practically *nil*. In France one is not handicapped by such considerations. Sixty or one hundred feet of space will be given there to a work, should this be necessary, if it possess sufficient merit to be shown at all. I have known brilliant young men, so poor that they were obliged to paint, to sleep, and to take most of their meals in the close quarters of their studios, who would stretch a canvas to the full limits at their disposal—perhaps twenty-five by fifteen feet—project upon it some biblical, mythological, or historical composition, and put a year of earnest work on its production, economizing closely to defray the expenses of materials and models, knowing that when finished it would not be excluded from the spacious walls of the *Palais de l'Industrie* on the score of dimensions merely. It is only too obvious that lack of exhibition space is one cause, and an important one, why we have attempted so little of the kind of work that is an essential preparation for the even greater achievement of mural design. If it were possible to secure some building, of the area of Madison Square Garden in New York, for instance, in which to hold an annual exhibition of the fine arts, the stimulus given to mural painting and works of importance tending in that direction would undoubtedly be great. I feel confident that ambitious painters would take heart if assured of exhibition room, and that subjects which they feel "*en grand*" would be produced by them in consequence of this assurance.

It is the business of the decorator, the mural painter, to bear in mind, when working in restricted quarters as he frequently does, the

position in which his painting is to be ultimately seen. If he fail to do this he fails in all, so far as the decorative quality of his work is concerned; and it is only in an exhibition hall of ample proportions that the result may be judged with fairness. There are many painters who do not care to confine themselves wholly to easel pictures; and it is doubtless true that with adequate provision for the exhibition of heroic canvases or large mural motives and designs, these would be forthcoming, to the inevitable enrichment of our art. For it is on the lines of decoration that a high standard of drawing is maintained, a great breadth and simplicity of painting demanded, and that splendid power of deduction and synthesis called for which divests the forms of nature of all that is not inherently large and noble. It is thus that the highest qualities of art are conserved and protected from the littlenesses which, in its more restricted practice, too often creep in to degrade. For this class of work calls upon the painter to reject or to choose from that great arsenal of the natural world where all his facts are stored, and, after passing them in review, to select those that he may bend most perfectly to his will, which he in turn has made subservient to the architectural scheme. To apparently annihilate compulsory limitations of area; to relieve the monotony of the regular and equal proportions that architecture, of necessity, imposes—these are among the problems with which the mural painter has to deal; and it is this exacting and intellectual demand that gives added dignity to the achievement, rendering such exercise of hand and brain worthy to be entitled "*le grand art*."

Another reason, which lies deeper than the prohibitory lack of exhibition space, has prevented our developing this noble art. It is one also that may not perhaps be so immediately remedied—viz., the want of general public instruction in the elements of drawing and painting. Primary schools in France give pupils an elementary acquaintance with art which creates a demand later on for some kind of graphic supplement to the legends and facts of history that they have absorbed at school. Then, too, local pride tends to foster the art instinct there as perhaps in no other country. A youth in any distant *département* or unimportant French town who shows peculiar aptitude for drawing and painting is often encouraged and aided by a public purse to continue the cultivation of his gifts in the art schools of Paris. As records of his progress there and in recognition of this assistance, he sends home from time to time examples of his work, which become the property of his native place. I was often

surprised, when first living in France, to come across paintings of superior quality in the museums of comparatively insignificant towns, and it was only after a prolonged sojourn there that I learned the source of these unusual acquisitions. They proved to be oftentimes the productions of a local genius who, on the road to fame, had acknowledged municipal benefactions by perhaps a "success" from the Salon, or the customary contribution expected of him by the authorities. Might we not here in our own country follow some such course with profit?

It is no great matter of surprise, then, that we, as a people, have but recently awakened to the larger purposes of art. And many of these larger purposes are served through the medium of decorative painting. The sweep and requirements of decoration are boundless, its function wide and all-embracing; for its mission is to adorn the various activities of life with appropriate and harmonious illustration. Despite the drawbacks which have hitherto impeded our advancement in mural art, there is still for us, owing to the force of native talent, an encouraging outlook which heralds even brilliant results.

Perhaps in no other sphere of artistic effort is there so much demanded of the painter as in this very one of mural embellishment; and I sincerely believe that it is a branch which, if better understood, would be more generally regarded with the high respect that is due to it. In the first place, the pursuit of this art implies a life of subjection on the part of the painter; he works each moment trammelled by conditions that are not of his own making but of those who have gone before him, both architect and builder, leaving behind problems which he alone must confront. In addition to this, his exhaustive studies from nature must necessarily have been of wider range than those of specialists in art—the painter of figures only, or the portrait, marine, animal, or landscape painter. All these elements are likely to be called for in the execution of some interior design; and these must be made so subservient to the requirements of mural fitness that they become practically of another world in matter of color and a certain conventional synopsis of form. Then, too, in point of subject alone, scenes of fable, history, legend, or classic idyl, biblical story or splendid epic, must find a sympathetic harbor in the mind of the painter who would acceptably fill the rôle of grand illuminator of the present and of the past.

The general prevalence of large fortunes has given us the right to expect that a portion of this treasure will be expended by its

owners after the manner of enlightened possessors of wealth in Europe, viz., by calling on those whose taste and study have prepared them to beautify and embellish our dwellings; and not the home only, but all those places where humanity meet to carry on the functions of a civilized existence. First of all, let me mention a few that are now being thus ornamented: Sir Frederick Leighton is engaged in decorating an important panel of the interior of the Royal Exchange, London; while Bowdoin College, Maine, and the Boston Public Library have recently employed a number of our own artists to adorn their walls; and in the case of the latter institution the services, as well, of that veteran French mural painter, M. Puvis de Chavannes, have been secured to make a series of designs for the enrichment of the staircase. This is surely encouraging. But our museums, opera houses, music halls, not to speak of libraries, hospitals, and railway stations, are, with few exceptions, practically barren of mural ornamentation by professional painters.

These large opportunities are still open, nay, they are multiplying; but bequests to hospitals and universities will in time make them realizations in these institutions, and I expect to see even railway stations become a factor in disseminating a taste for the fine arts. Few places could be made more inviting to high effort on the part of the decorator than these utilitarian structures. Here the waiting passenger—the untried youth starting out to face the world, and the newly landed immigrant—might find something in these pictured panels to cheat the hour, stimulate ambition, or to encourage hope. Stations should be built to accommodate this work; and as a means of carrying art's message to the masses this method would be unsurpassed, thronged as these places are daily with hosts which scatter to the four quarters of the land. Our banks also might be appropriately decorated; for subjects suggesting the various business activities that create them, and from which they draw the "sinews of war," may be illustrated on their walls with much effect and pertinence. And where could themes from history, biography, the classics, be more fittingly delineated than on the walls of institutions of learning? Great events of the past should there be pictured by a master, and thus salient points of history impressed on the student's memory, while at the same time he would make a step in æsthetic culture. Portraits of great men, too, will not be out of place here—scientists, inventors, poets, writers of fiction, historians and statesmen looking down from their frames might become sources of in-

spiration and incentive to those who are preparing themselves for the various labors of the world.

The propriety of illuminating the walls of colleges and churches is so obvious that it will be enough to mention the fact here that these precincts in most civilized countries have been peculiarly favored in this matter, and I will cite only the Grand Opera House, Hotel de Ville, the Sorbonne and the Panthéon in Paris, as the more recent recipients of this distinction. During the past twenty years the interiors of these three buildings have in some instances received the crowning work of a painter's lifetime, notably in the case of Baudry at the Grand Opera House; and it is a significant fact that, with slight exceptions, the honor of such commissions has been awarded to men of acknowledged achievement and highest reputation in their art.

But the culmination of the decorative spirit will perhaps be reached only when the architect, the painter, and the sculptor work together from the inception of the structure to its completion. From the present condition of things this sounds like a dream—it may become a reality. Should a building be projected here in which the arts of architecture, painting, and sculpture might go hand in hand from start to finish, it may not be too much to say that it is well within the possibilities of the American temperament to set a model for the world. It is indisputable that such a course pursued by a people in any special department of intellectual effort tends to perpetuate a high standard of accomplishment in that particular field, and thus secure a present, and promise of future, excellence that holds them up to the admiration of mankind. This excellence we may make our own by intelligently improving our splendid opportunities. For, to briefly recapitulate, the multifarious occupations of a young and growing country will be used as suggestive themes reducible to lofty treatment by means of mural art. In this art, as I have already shown, business enterprise may be turned to æsthetic account, and transportation, freight-traffic, and agricultural pursuits become fit subjects for noble illustration. So, too, will scholarly research, religious life, the diversions of society, and all the amusements and recreations of mankind be brought to the service of an art that shall be as omnipresent as light itself, and in a certain sense as vivifying.

FRANK FOWLER.

A RELIGIOUS STUDY OF A BAPTIST TOWN.

SUMMER loiterers along the Sound shore of New England, especially such as have made excursions in the country lying about Watch Hill, have pleasant memories of drives under the elms of the fine old Rhode Island town of Westerly, famous for its granite and its thread. Visitors in recent years have watched the rising here of the walls of an imposing church. The autumn witnessed its completion and consecration. Should a passer-by to-day, attracted by the roll of music, step in, he would find at the organ, as likely as not, a maiden of dark face like those in the altar pieces before which generations of her mothers worshipped in Italy. It is not the church of her mothers, however, for the marble-cutters who have come to Westerly are of that class of Florentine craftsmen who leave their religion in its Roman home, and whose wives and daughters easily accept the forms of what they believe a purer worship.

The congregation of Christ Church is, indeed, as interesting in composition as is in religious history the town of whose changed and changing conditions the new church is a monument. For Christ Church, as a dominant religious fact, is new; the old fact was the dominance of another religious body, whose idea is the exact and logical opposite of that of which the Episcopal Church is the exponent. That body still exists, and is strong, but the community is gradually outgrowing it, and its rival and enemy is gaining from it; and a condition is passing away which merits being photographed before it vanishes. In this quiet village is none of the perplexing problems of the administration of religion with which crowded populations struggle; here is no wide arena in which religious divisions work dire political effects; but here exist, side by side, the extreme representatives of the two ideas which are in contest in the religious world; and here to-day is to be found perhaps the most interesting ecclesiastical picture which any American community affords.

The village has six Baptist, and two Roman Catholic, churches; an Episcopal, a Congregational, and a Methodist church; a congregation of Plymouth Brethren, another of Adventists, and a Theo-

sophic Society. Of the Baptist churches, three are of a sect which it will be the purpose of this paper to study, and one is "Christian,"—the *i* is pronounced long in Westerly. The other two have no reason whatever for living apart; a quarrel over temporal matters a few years ago furnished the opportunity for an exhibition of the Baptist devotion to the principle of division. The order of precedence observed in the list probably represents the order, as to numerical importance, of the denominations. Should the three sects of Baptists be regarded as separate denominations,—and they do not affiliate,—they would lose the first place.

An appearance of unusual good-fellowship is maintained among the Protestant denominations generally. They have sometimes joined forces for local mission work,—relieving their feelings subsequently by laying the failure at one another's doors. They even unite in "protracted efforts" of revival,—falling out only over the distribution of the spoils. The familiar differences of theology and practice which elsewhere divide Christians become here, however, minor and unimportant in the presence of a controversy which rends the religious, social, and commercial life of Westerly to its foundation. The one great fact concerning the town, the shadow upon its existence, the block in the path of its progress, the strange, distressing and bewildering occurrence which weekly chills its religious enthusiasm, is the observance of different holy-days by two parties, who, denying each other by their most apparent feature, keep up the ghastly farce of calling each other "brother." Three of the Baptist churches keep Saturday, and disregard Sunday.

The membership of these societies constitutes, if not now numerically half the community, practically more than half of it. It includes the proprietors of large machine shops, and many shopkeepers and employers of labor. Until lately, it was impossible on Saturday to make a purchase at a single retail shop in town; the supplies for the day's table had to be bought on Friday. On Saturday, Sunday-keeping Christians are embarrassed in their work by the cessation of labor on the part of half the population, as on Sunday, Sabbath-keepers are by that of the other half. No device could more completely disorganize society or disturb business. The consciences of Sabbath-observers are offended on every Saturday by the behavior of their neighbors, while on Sunday, Lord's-Day Christians are awakened by the scream of factory whistles, go to church to the unedifying music of lawn-mowers, pray and sing amid the shouts of boys at

play, and listen for the benediction over the rumble of carts. It is a singular sensation for New England Christians, sons of the Puritans, to reflect that while they are at worship, drills are resounding in the quarries, and that the machinery of the factories is in operation.

Only this mere sketch is necessary to enable the imagination to picture correctly the state of things which obtains in Westerly. One of the evil results of the strife between the two days is that many of the village people keep neither. A considerable number of Englishmen have settled here. They are chiefly operatives in the machine shops, and are compelled to work Sundays. They will not go to the Saturday services, and they soon learn to use their day of rest in turning an honest penny. After a few appearances at evening prayer Sunday night, they are apt to give up all church attendance, and all regard for sacred times; then, from year's end to year's end, their wives never see them in other than their working clothes.

The desecrators of the Lord's Day in Westerly are protected by special statutes. Their chief congregation has about four hundred members, and is presided over by a minister of great activity, learning, and ability. His people are intelligent and moral, and have high spiritual ideals. Many First-day people of this generation are children of Seventh-day observers of the last generation, and intermarriages are common. These facts soften the asperities of the situation, and obscure the critical character of the issue.

Who are these people? They are the modern representatives of a long line of dissenters from the teaching that there is in the world a Church of Christ. They claim succession from the Ebionites and the Nazarenes of the first century of this era, the Hypsistarii of the sixth, the Cathari, the Petrobrussians and the Passagii, all Protestants before the "Reformation," and the Anabaptists, the most consistently and logically Protestant of the sects that arose after Luther. Their descent from the last is indisputable. The Anabaptists were able to denounce the attitude of the mass of the Reformers as half-hearted and inconsistent, pointing out that they had failed to follow the Protestant principle to its ultimate result. Their especial execration was launched against the practice of infant baptism, which they characterized as a diabolical invention, utterly incompatible with pure Protestantism. For, if it be inquired how the Catholic Church of Christ chiefly proclaims the unity of the family of men, it must be replied: "By taking in its arms the yet unconscious babe, and solemnly and authoritatively pronouncing it a child of God; so uttering

for each new-born man humanity's glad welcome into its redeemed and consecrated fellowship." But Protestantism, which is a system founded on the individualistic view of society, cannot admit that a child is entitled to be called a child of God, except in virtue of some voluntary personal act on its own part. Consistency demands that Protestants put away infant baptism, therefore; they can practise it only as magic. The contention against it has been led by the various branches of the Anabaptist sect;—nowadays we courteously omit the first syllable of their ancient designation. The Baptists are, therefore, the most consistent Protestants.

Among Baptists in England there developed, during the reign of Elizabeth, the further idea that Protestantism was still incomplete so long as the Church was acknowledged in the keeping of its chief festival, the Lord's Day. These thoroughgoing men pointed out that the observance of the first day of the week rested upon precisely the same authority as that for the holy-days which had been abolished among dissenters, and they demanded the restoration of the Jewish Sabbath. This position, like that of opposers of infant baptism, is absolutely valid from the Protestant standpoint, and it was defended with ability. I find that the Crown deemed it wise to command replies from learned Churchmen. Among Independents, Baxter and Bunyan wrote against it, but not with the skill of Nicholas Bownd, who, in a book issued in 1595, set forth for the first time the theory that the fourth commandment remained in force, but might be applied to Sunday instead of Saturday. A majority of the Puritans and Baptists were content to be inconsistent. Embracing the compromise proposed by Bownd, they were successful in impressing a Sabbatical character upon the feast, and the illogical institution known as the Puritan Sabbath came into being. It is not Protestant, and it is not Churchly, and observers of the seventh day point out that the test of time has stamped it an absurdity and a failure. All that religious enthusiasm and civil enactment could do for the Puritan Sabbath has failed; the world will have none of it.

Roger Williams organized Rhode Island as a Baptist commonwealth in 1639. In 1671 a separation occurred in the Baptist church at Newport, part of the members seceding to set up a Seventh-Day congregation. Somewhat later, similar societies arose in Pennsylvania and in New Jersey. Rhode Island has been the chief seat of a not unsuccessful propaganda. The Newport church is now extinct; the building is used as a place for relics. There are now seven

Seventh-Day churches in the State; one in Woodville, one in Rockville, two in Hopkinton, and three in Westerly, whither, from Newport, the body of original Sabbatarians emigrated.

What we see in Westerly, then, is the result of the Protestant principle followed to its conclusion. We see this in actual existence, side by side with bodies which have retained more of the Church idea. Since Christ Church is representative of a reformed Church which is not, accurately speaking, Protestant, it will be of interest to remark its relations with the Seventh-Day Baptists.

The Seventh-Day minister, at the invitation of the rector and the bishop of the diocese, has participated in the Church service. The rector has preached in the Baptist place of worship; but, when he did so, the minister absented himself, so disclaiming responsibility. He described only the general position of Baptists when, replying to the rector's inquiry as to the character in which he was recognized by the Baptist congregation, he told him that he preached on his own responsibility, without recognition of any sort. Logical Baptists cannot regard a visiting clergyman as a minister,—indeed, not as a Christian. The Westerly minister has informed me that a Mussulman or a Buddhist would speak to his congregation on the same footing as a Christian priest.

One is tempted to remark here upon the vast emptiness of the outcry against Episcopalians for their attitude in the matter of "ministerial reciprocity." No indignation is expressed at Baptist intolerance, and yet no Churchman would deny the Christian character of clergymen outside his communion, however he might be constrained to regard their ministerial authority. It happens that the very relations we are considering were the occasion of the enactment of the canon which denies ministers of other denominations the right to officiate in congregations of the Episcopal Church,—the canon which has lately been the object of so much discreetly inspired and carefully fanned wrath.

In 1870, the Reverend Mr. Hubbard, then rector of Christ Church, agreed with the Baptist minister of the town to exchange duties for once. Accordingly, Mr. Hubbard conducted service at the Baptist meeting-house, while the Baptist minister appeared in the chancel of Christ Church in surplice and stole, and performed the full service, including the functions of absolution and benediction. The Baptist minister had promised, as an acknowledgment of their courtesy and liberality, to throw open his communion-table to Episcopalians.

His congregation forbade the carrying out of the promise. Mr. Hubbard was brought to trial before an ecclesiastical court, which found that his procedure, however injudicious, was in violation of no existing statute. Thereupon, the General Convention of the Episcopal Church in the United States, meeting the following year, enacted what is now Canon 17, Title I., Digest of Canons:

"No Minister in charge of any Congregation of this Church, or, in case of vacancy or absence, no Churchwardens, Vestrymen, or Trustees of the Congregation, shall permit any person to officiate therein, without sufficient evidence of his being duly licensed or ordained to minister in this Church: *Provided*, That nothing herein shall be so construed as to forbid communicants of the Church to act as Lay-Readers."

This is the subject of much recent and present controversy. A symposium of the opinions of a number of bishops upon it, gathered by an enterprising sectarian journal, the secret enemy of all attempts to heal the wounds of Christ's body, has been placed before the world as if it were the final word upon the whole subject of church reunion. Whatever may be the individual opinions of bishops, the fact is, the word "officiate" in the canon, on which its force depends, has never been given an authoritative interpretation. The most churchly view would not look upon preaching, for instance, as "officiating." Certainly the canon should be interpreted in the light of its origin. That it was the result of the Westerly affair, while not now generally remembered, is certain from the statements of those who were familiar with the circumstances of its enactment, among them one, at least, of the most eminent canonists of the church. It is an interesting and striking fact that the canon which has been denounced as the chief barrier to Christian unity should have originated in an attempt to force relations between a representative of the Church, and of the extreme left of Protestantism.

From this village proceeded, two years ago, a remarkable series of messages, conveying proposals of peace to other Christian bodies. The Seventh-Day Baptist General Conference met in Westerly, in 1892, and issued addresses to the official bodies of the Episcopal, the Congregational, the Presbyterian, and the Baptist churches. The addresses were composed with great skill and impressiveness. There is reason to suspect their sincerity as proposals for union, but there can be no doubt that their clear logic was most embarrassing to recipients who were engaged in an attempt to connect the Lord's Day with the Hebrew Sabbath.

The address sent to the National Council of Congregational Churches was not acknowledged by the secretary, and it is not known that it was presented to the Council, though a private letter from Dr. Fisher, of Yale University, shows that it was received. The Baptist associations generally ignored it. One clerk wrote that he could not present an address from a church in error. The clerk of the General Assembly of the Southern branch of the Presbyterian Church wrote that he had received the address,—no more. The General Assembly of the Presbyterian Church of the North did not even acknowledge it.

The reception accorded the address in the General Convention of the Episcopal Church was, I am assured by the chairman of the committee charged with its promulgation, "courtesy itself." The Bishop of Rhode Island interested himself in the matter, the secretaries of both Houses wrote that it would be a pleasure to present it, and it was in due course read before the Bishops and the Deputies. The former referred it to their Committee on Memorials, the latter to their Committee on Christian Unity; and these committees now have it under consideration. The polite consideration paid to the memorial was marked, and it was the subject of much kindly comment in debate on related questions.

The behavior of the Episcopal Church, in such contrast with that of other denominations, is accounted for by the fact that it alone is not implicated in the absurdity of supporting a Christian feast by a Hebrew reason. To it Sunday is just such a day as are Easter, Christmas, Epiphany, and the Saints' Days, and depends for its character solely upon the decree of the Church. Except for the few particulars in which Protestantism has invaded it,—chiefly in the introduction of the Decalogue into the Office of Holy Communion, which requires the reading on Sundays of the command to keep Saturdays,—a performance which leaves an ill taste in the mouth of most priests,—it does not pretend that the Lord's Day is a Sabbath.

Of course, it is impossible for the Episcopal Church to do more than give the proposal of the Seventh-Day people a polite reply. Between these two bodies, the logical representatives of two ideas, the issue is perfectly clear. They understand each other perfectly, and have the mutual sympathy of opponents who recognize each other's sincerity in a quarrel which is irreconcilable. For the whole issue between the Church and Protestantism focuses itself in the contest between the Lord's Day and the Sabbath. One is witness to the authority of the body of redeemed humanity to make laws super-

sessive even of Mosaic commandments; the other is the individualistic denial of such authority. The Lord's Day is Christian; the Sabbath is not. I now venture to inquire whether the sect of Seventh-Day Baptists, affiliating with Judaism, does not reveal itself as a lapse from the religion of Jesus? In this inquiry is involved the question whether Protestantism, considered logically, is not essentially un-Christian.

The Seventh-Day Baptist Handbook rebukes "an age which talks gushingly about salvation through faith." The Handbook traces with pride the genesis of the body it represents from the heretical sects before mentioned in this article. Of these, the Ebionites and the Nazarenes regarded the Jewish law as obligatory, branded St. Paul as an apostate, and denied the divinity of Christ. The Hypsistarii blended a Greek paganism with the worship of fire. The Cathari held the Persian doctrine of a good and an evil god, and taught that the evil one created the visible world; part of them worshipped the devil, and railed against Jesus as a false prophet. The Petrobrussians were insane iconoclasts, and the Passagii practised circumcision and denied Christ's divinity.

At the Seventh-Day General Conference of 1886 a minute was adopted, setting forth that while a few might dissent, it is nevertheless the general belief of the denomination that Christ will come again, and that, while some might think otherwise, the prevailing belief is that there will be resurrection. It seems there is doubt about it. The Sadducees had a similar doubt.

The Christian Creed is unknown to the religious assemblies of these people. The Westerly minister cannot affirm his belief in its statements. He, however, began a course of lectures upon it a few weeks ago, but was interrupted at the first one by a deacon who rose and protested, declaring that he hoped to see the day when all creeds shall have perished. This deacon did not protest when recently a Hebrew, visiting the town, attended by invitation the Seventh-Day service, and being called upon to pray, did so, according to his faith, in Hebrew.

It is a fact complimentary to the Baptists that their denomination has produced far more than its share of Hebrew scholars. The Sabbath-Baptist clergy-list shows the names of authorities on Hebrew out of all proportion to its size. The Westerly minister himself is a past-master of the language and literature. His monograph on the "Song of Songs" is to be ranked with the works of Ewald and

Oettli; it won Mr. Daland the friendship of Franz Delitzsch, and gave American scholarship a European reputation. He is the editor of a periodical named "The Peculiar People," devoted to Hebrew interests. Its motto is: *Judeus sum: judaici nihil a me alienum puto*. It is impossible to withhold sympathy from the purpose of this paper, or to be uninspired by the enthusiasm with which the editor holds up the ideas of the adoption of the Hebrew tongue by all the scattered people, and the re-establishment in Palestine of a Hebrew commonwealth. Its importance for us is that in its columns the belief of a man who stands at the head of his sect finds unimpeded expression. He here, over and over again, in every form, and with every emphasis, declares that Christianity is a Jewish creed, expresses the hope that no Jew will join a Christian church, and exhorts Christians to turn from their errors to the purer faith of Judaism.

If this is the logical outcome of Protestantism, what is Protestantism? Let us confess: It is an admission that divisions among men are normal. It is a negative which presumes the existence of something besides itself. Protestantism cannot exist unless there is something against which to protest. It recognizes that "something," appeals to it, confesses it a prior fact, every time it names its own name. Its wickedness is that it does not, and cannot, anticipate the extinction of that against which it protests, for in that extinction the possibility of Protestantism would become extinct. It regards division as natural and necessary. Disintegration is its principle, its product, and its doom. Protest begets protest, and ever into further division divided bodies take their way. The end of the process is not reached until absolute individualism is attained.

But individualism is just what Christianity contemplates as the evil from which men are to be saved. Its ethics teach that personality is achieved only in association. Its grandest proclamation is the paradox that a grain of wheat, except it fall into the ground and die, abideth alone; its supreme symbol is the Cross, the witness lifted above the centuries that the very death of one for the race is the victory for the one and the race alike. So the mission of Christ was the founding of a Kingdom. That was the word most often on His lips. He did not set going a set of pious sayings. He wrote not a line, save once in the sand. He founded a Kingdom. He told scores of parables explaining what the Kingdom was like. He was accused of being a King. He affirmed before his judges that

such He was. The inscription over the cross proclaimed Him the head of a Kingdom. Every act of His was to lift men up from individualism, and make them members of a divine Society. Any principle which ends in individualism, therefore, if allowed to run its course, is bound to reveal itself as un-Christian.

Seventh-Day Baptists are better than their logic would make them; let us hope every Christian sect is. Baptists, most consistent of Protestants, are still saved by their glorious inconsistency to be worthy and noble members of the Church which their theology would deny.

But may not this pursuit of its logic do something toward reclaiming us from our infatuation with a pernicious principle? Is it not time we perceived the essential weakness of a negative designation? There is much in the form of statements, and there is much in names. How long do we propose to continue playing into the hands of the papal church by yielding to it the most noble of appellations, and contenting ourselves with the most ignoble? When every Christian body begins to boast of every catholic feature it can claim, and all together put away that common name which confesses Rome a greater fact, we shall be far along toward the day when at last our groping hands will meet.

WILLIAM BAYARD HALE.

STEPS TOWARD GOVERNMENT CONTROL OF RAILROADS.

THE relation of the Chicago strike and its influences in the development and extension of certain fundamental principles constitute it an epochal event in the labor movement and in the industrial development of the country. Probably no new thought has grown out of it, nor are there any new principles being developed by it, but the strike has emphasized certain principles which have quietly grown into activity, and they are now forcing attention. Principles that have been crystallized into law are now being approved or attacked, as the interests and the ideas of writers dictate. What was considered by large bodies of business men as essential in the government, management, and operation of railroads is now considered by many as revolutionary, although these principles have already quietly taken their place in the body of laws governing the land. The purpose of this paper is to show how the Chicago strike has emphasized some of these principles, their logical extension to other features than those to which they have been already applied, and their influence upon the growth and development of the idea of governmental control, and of industrial arbitration.

The Chicago strike was not constructive of new principles or systems, or destructive of those already existing; but it did emphasize some principles which were not recognized as even existing. The vast proportions of the forces enlisted in a gigantic strike for supremacy are sufficient alone to constitute the Chicago affair an important event without reference to its influence upon legislation and the principles applicable to the management of railroads. As time goes on its influence is being felt in several directions, strengthening and illuminating the contentions of parties on either side of the contest, and drawing careful and critical attention to principles intimately connected with the supremacy of the Federal Government, and its relations to the government, management, and operation of railroads.

The strike has crystallized public sentiment upon a question which has often been argued but never settled,—that relating to the *quasi-*

public character of railroad employees. The country now thoroughly recognizes the absolute necessity of considering railroads as representing not only their own interests but the interests of the public, and that, as they obtain their charters by public consent and are thus and by the nature of their business *quasi*-public corporations, their employees are to a degree *quasi*-public servants and must have a status under the law independent of their status as employees of individual corporations. It has stimulated anew the inquiry which was first made some years ago, during the troubles on the New York Central Railroad and on the Southwestern system, as to how railroad employees can be brought within the influence of statutory provision to such an extent as to be held accountable to the public as well as to their employers. Stability of transportation, stability of business in securing constant delivery of supplies, security in preserving life through such supplies, all demand an answer to the question, and demand emphatically such legislation as will place the railroads and their employees on a basis where they shall recognize their allegiance to the public. I believe that the Chicago strike, in developing legislation which shall accomplish this great purpose, will be worth all it has cost, even admitting the accuracy of the estimates of public journals, chiefly "Bradstreet's," that it involved a loss of over eighty million dollars.

One of the chief reasons why the Chicago strike emphasizes vital principles lies in the fact that it constitutes a subordinate element in a revolution which is quietly taking place in this country, and which accords with that phase of a revolution depicted in an editorial¹ on the recent Report of the Strike Commission in "Harper's Weekly," where it was declared that "the most momentous stage in every revolution is that which takes place silently in the popular mind." The strike was a subordinate phase of this kind of revolution, because there preceded it a revolutionary measure far more significant than that growing out of the Chicago strike, and which is being supplemented by one still more significant.

It is not necessary for me to say that I approach this part of my subject from a standpoint entirely opposed to state-socialism as a system. I have no faith in it, no adherence to it, and no fondness for it, for I believe that as a system state-socialism means the destruction of industry and the retrogression of society. Nor need I assert that I approach it from a point of view antagonistic to what is

¹ "Revolutionary Statesmanship," "Harper's Weekly," November 24, 1894.

known as compulsory arbitration. I have no faith in compulsory arbitration as a system for the settlement of labor troubles. I approach it, further, from the point of view that neither the Federal nor State Governments can or ought to be allowed, as a rule, to regulate rates of wages or prices of commodities.

Notwithstanding these professions, I am not afraid of state or any other form of socialism, but I am ready to re-examine these propositions to which I am opposed and, if expedient, to apply some of the features involved in each of them. In what respect, therefore, does the Chicago strike become a subordinate element in a revolution which is now going on?

In 1887 the Congress, at the demand of the shippers of the country, and in their interest as it was supposed, made the declaration that all charges made for any service rendered or to be rendered in the transportation of passengers or property on interstate railroads, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, should be reasonable and just, and every unjust and unreasonable charge for such service was prohibited and declared to be unlawful. This declaration was made in the "Act to Regulate Commerce," approved February 4, 1887. The Act not only made the declaration which I have recited, but gave power to the Interstate Commerce Commission, created by it, to carry out its principles. It established the machinery for the regulation of freight rates over all the interstate railroads of the United States, and, as a logical result, over all railroads. This declaration has become to all intents and purposes an authoritative interpretation of the Constitution of the United States, because it has been sustained by the courts. In a certain sense it explains the Constitution. The legislative declaration was made under the clauses of the Constitution providing for the general welfare and for the regulation of commerce between the States, and it enlarges the Constitution through interpretation because of the necessity for such enlargement.

The Congress of the United States, acceding to the demands of the shippers of the country, recognized that existing conditions were in conflict with a moral sentiment comprehending the justness and the equity involved in the transportation of commodities essential to the welfare of the people. But this declaration was emphatically socialistic, it was compulsory arbitration, it was emphatically a law regulating the prices of commodities through the price of services. I understand the position of the courts in sustaining this, and

believe the position to be correct, and that is the old principle of regulating pikes, tolls, etc. The declaration of the law was not the declaration of a new principle, but it was the crystallization of an old principle into Federal legislation, with the proper machinery for carrying it out, and the machinery as well as the declaration makes it state-socialistic in character, makes it compulsory arbitration, because it undertakes not only to regulate the affairs of corporations but to arbitrarily adjust the contracts made in connection therewith. What is the consequence of this, as shown in another step in that silent revolution which is taking place?

There is now pending in Congress a measure which has passed the House of Representatives by a very strong majority; it is very socialistic, as much so as any legislation that has been considered favorably by any government in the closing half of this century. As a state-socialistic measure it equals the compulsory insurance legislation of Germany; as legislation establishing the most rigid and stringent laws for the most compulsory of compulsory arbitration it has no equal. I refer to the pooling bill (H. R. 7,273) now pending in the Senate. I have not a word to say on the merits of this bill, of its necessity, of its effects, or against it. I cite it only to show the second phase of the silent revolution to which I have referred. This pending legislation is demanded at the instance of the shippers and the railroads of the country, and its passage is being aided by a powerful lobby in their service. The railroads base their advocacy of the bill on the claim that it will be to the interest of the shippers to have such a law. The bill provides for a great trust, with the government of the United States as the trustee. It provides that the roads of the country may enter into contracts, agreements, and arrangements, which are enforceable between the parties thereto as common carriers, for the regulation of freight pooling, and that under proper rules of procedure every such contract, agreement, or arrangement may be changed or abrogated by the Interstate Commerce Commission.

When the first bill to regulate commerce was passed the great and powerful wedge of state-socialism, or so far as control of railroads is concerned, was driven one-quarter of its length into the timber of conservative government—of that government which means democracy. The pending bill, the moment it becomes a law, will drive the wedge three-quarters of its length into the timber. There will then be needed but one more blow to drive the wedge home,

and that blow will come at the instance of business and not of labor—entire governmental control of all the railroads of the country instead of partial control under the laws now existing or proposed. With twenty-five per cent of all the railroad interests of the country now under the control of the Government, through its courts, it is but a very short step to that final blow which will send the wedge its full length and bring entire governmental control. This blow will be struck in the most seductive way. It will come through a demand that the Government shall take charge of the roads, not purchase them—shall take charge of the roads and out of the proceeds of the transportation business guarantee to the existing stockholders of the roads a small but reasonable rate of dividend. Under such a seductive movement the stockholders themselves, conservative men, will vote for the striking of the blow. All this, as I have said, will be at the demand and in the interest of the railroads and of the shippers, and not of the labor involved in carrying on the work of transportation, as the demand of to-day for the enactment of the pooling bill is alleged to be largely in the interest of the shippers and of the public welfare. Will the railroads now consistently demand, and keep their lobby employed to secure, the extension of the same principles to labor, and thus give their employees the status of semi-public servants and thus help to prevent or reduce the number of strikes on all interstate roads, and logically on all roads?

The Act to Regulate Commerce, approved February 4, 1887, was followed by an act creating boards of arbitration, approved October 1, 1888. This act embodied to a certain extent the suggestions of the President in a special message to Congress, of date April 22, 1886, in which the creation of a board of arbitration for the purpose of settling disputes was recommended. The provisions of this act, however, were in the main simply administrative. The Act contained no declaration of principle like that embodied in the Act to Regulate Commerce. Under the arbitration act of 1888 no action was ever taken until the appointment of a Commission to investigate the Chicago strike; in fact, the Act had been on the statute-books a long time before it was known to many, and at the time of the Chicago difficulty was practically forgotten. It had never been considered a revolutionary measure in any sense, or one that could by any means overturn existing institutions or subvert the principles of our Government. In comparison with the Act to Regulate Commerce it was a tame affair, for the interstate commerce act was

decidedly revolutionary, as already pointed out, while the arbitration act had no elements of the kind in it from the first to the last section. It will be seen by what has been said that the Federal Government has committed itself to the principle of regulating the business of transportation through the regulation of freight rates, the terms and conditions of contracts pertaining thereto, by establishing proper machinery to execute the declarations of law and principle, and, in fact, making the Government the trustee of a great transportation trust. It has also committed itself, in the Act of October 1, 1888, to the principle of adjusting labor controversies by arbitration. It has asserted its right to control to a certain extent the business of the railroads of the country because of the necessity of such control in securing stability and peace. The Act to Regulate Commerce has, in effect, made the railroads comprehended by it *quasi*-Federal corporations. The Act of October 1, 1888, creating boards of arbitration, recognized the necessity of adjusting difficulties, but it did not go far enough. It does not place the employees on interstate railroads in the position of *quasi*-public servants, because the law has made no declaration of principle, but simply provided a board to which parties can resort in case of controversy. Something more is needed,—something in the nature of the declaration contained in the Act to Regulate Commerce,—to place railroad employees in a position where they must to a certain extent recognize the public and the railroads as their joint employers.

I can now answer why it is that the Chicago strike is exerting an influence as a subordinate phase of a silent revolution—a revolution probably in the interest of the public welfare. It is because it emphasizes the claim that there must be some legislation which shall place railroad employees on a par with the railroad employers in conducting the business of transportation, so far as the terms and conditions of employment are concerned; it is because the events of that strike logically demand that another declaration of law and of the principles of the Federal Government shall be made; a declaration *that all wages paid, as well as charges for any service rendered in the transportation of property, passengers, etc., shall be reasonable and just.* A declaration of this character, backed by the machinery of the Government to carry it in effect, would give to railroad employees the status of *quasi*-public servants. The machinery accompanying such a declaration should be modelled on the interstate commerce act. It should be provided that some authority be established for

the regulation of wage contracts on railroads. I would not have the machinery of the law for the regulation of such matters provide for a compulsory adjustment, as now provided for the adjustment of freight rates, but I would have such machinery that there would be little inducement under it on the part of railroads to pay unjust and unreasonable wages and on the part of employees to quit work when they were just and reasonable.

A bill (H. R. 8,259) is now pending in Congress which makes the declaration as to just and reasonable wages and provides for the submission, by agreement, of all differences relating to the terms and conditions of employment on railroads to a properly constituted tribunal, but I submit that this step in the silent revolution now going on is a subordinate one, and that should the principle involved be enacted into law, as I trust it will be, it could not be considered as another blow, but only a light tap, on the wedge of state-socialism; it could be considered as a phase only of the great blow now contemplated by the pooling bill. If this measure for the regulation of wages on interstate railroads, which places the employees in the position of *quasi*-public servants, amenable to the public as well as to their incorporated employers, is considered by any one as a piece of state-socialism, I can only refer to the other features of the revolution already in active operation. I think I recognize the distinction between governmental adjustment of freight rates and like adjustment of wage rates, and I fully agree that while the Government can fix the compensation of its employees, it cannot and ought not to attempt arbitrarily to fix that of the employees of railroads; but I further recognize that it is the right and duty of the Government to prevent the interruption of interstate commerce and the obstruction of the mails, and that in the exercise of this right it ought to have a voice in making the terms and adjusting the conditions of the employment of the employees engaged in such service. This it can do through some such machinery of law as that provided in the present Act to Regulate Commerce. The prosperity of our railroads is a necessity upon which business stability largely depends, and every reasonable means which can prevent disaster should be considered.

I read in an interesting editorial from "The Nation" (November 22, 1894), on the Chicago strike, that "Nothing is more needed at this crisis than the practice of treating the working-classes as business men fully capable of managing their own affairs, and not as children who are being put upon by their elders," etc. The enact-

ment of a law such as that indicated would place the employees of railroads upon a business basis and would recognize their capacity to conduct properly their own business in connection with the business of their employers, and if it be said that it would recognize them as children who are being put upon by their elders, what shall be said of the interstate commerce act and of the pooling bill? Can it be that merchants and shippers are children who are being put upon by their elders and must be coddled?

In the broad and patriotic message of the President, already referred to, there occur the following passages:

"Under our form of government the value of labor as an element of national prosperity should be distinctly recognized, and the welfare of the laboring man should be regarded as especially entitled to legislative care. In a country which offers to all its citizens the highest attainments of social and political distinction, its workingmen cannot justly or safely be considered as irrevocably consigned to the limits of a class and entitled to no attention and allowed no protest against neglect."

"The laboring man, bearing in his hand an indispensable contribution to our growth and progress, may well insist, with manly courage and as a right, upon the same recognition from those who make our laws as is accorded to any other citizen having a valuable interest in charge; and his reasonable demands should be met in such a spirit of appreciation and fairness as to induce a contented and patriotic coöperation in the achievement of a grand national destiny."

"While the real interests of labor are not promoted by a resort to threats and violent manifestations, and while those who, under the pretext of an advocacy of the claims of labor, wantonly attack the rights of capital, and for selfish purposes or the love of disorder sow seeds of violence and discontent, should neither be encouraged nor conciliated, all legislation on the subject should be calmly and deliberately undertaken, with no purpose of satisfying unreasonable demands or gaining partisan advantage."

"The present condition of the relations between labor and capital is far from satisfactory. The discontent of the employed is due in a large degree to the grasping and heedless exactions of employers and the alleged discrimination in favor of capital as an object of governmental attention. It must be conceded that the laboring men are not always careful to avoid causeless and unjustifiable disturbance."

I commend these wise utterances to all legislators, to all employers, to all employees. They contain the principles which will lead to industrial peace and to the continuity of industrial prosperity. These principles have been emphasized, since they were announced by the President, by the British Royal Commission on Labor, under the conspicuous chairmanship of the Duke of Devonshire; and the Hon. C. C. Kingston, Q.C., Premier of South Australia, in an elaborate article on Industrial Agreements and Conciliation,¹ has

¹ See "Review of Reviews," December, 1894.

made an able argument in their support; in fact, if the Premier had had the pending arbitration bill before him and had held a brief in its favor, he could not have more thoroughly advocated it than he has in the article referred to. He points out that if one hundred individuals entering into one hundred separate agreements are entitled to secure their enforcement, there is no reason why one agreement, made on behalf of the same individuals acting collectively, should not be afforded recognition, and he thinks that in these days of highly organized trade associations the question of industrial agreements and conciliation is second to none as affecting the prevention or settlement of industrial disputes. Such disputes, in the absence of surrender by either party, can be ended only by agreement between both. But he wisely asks the question, What assurance is there to either master or man, in the absence of any binding treaty, that war will not be again declared at any moment? We must agree with Mr. Kingston that organizations, whether of masters or men, should be afforded the same facilities for combination and agreement as are given in the case of ordinary joint-stock companies, and to this end he would have unions, or associations of unions, made capable of registration and of *quasi*-incorporation.

The bill now pending to provide for arbitration, and for the further incorporation of labor organizations and for their recognition, is in direct line with this argument of Mr. Kingston, who believes that a union should act through a committee, and an association of several unions through its council, or whatever its executive board may be. He points out with great force that on the occasion of great strikes the public cries out for conciliation. He therefore urges that boards should be established in anticipation of the differences they are designed to prevent, for when war has been declared and the disputants, as it were, are at each other's throats, each hopeful of ultimate success, they are seldom in the mood to listen to peacemakers. As well might it be attempted to organize a fire brigade in the midst of a conflagration as to provide for an effectual system of arbitration in the middle of a strike. These are the views of an able statesman, and they are gratifying indorsements from the antipodes, from a country which is making great progress in all labor legislation, of the principles laid down in the President's message of 1886. Carried into effect, it must be conceded that they constitute a feature, although subordinate, of the silent revolution which is leading the country into governmental control. Opposed as I am to the taking over of the railroads

by the Government, and believing fully in the interstate commerce act, I cannot avoid the logical results of the movements which are now going on. My chief purpose now, however, is to call the attention of the public to the demands of the railroads and the merchants and shippers themselves for the control of our railroads by the Federal Government, and to the subordinate influence which the passage of an arbitration bill must have in securing such control, and, further, to insist that governmental control on one side shall not be conceded while leaving the doctrine of *laissez faire* to have its full operation upon the other element, labor.

The Chicago strike must be recognized as a factor in producing the changes in Federal law now going on, for it is dissipating a good deal of the haze which has hung before the eyes of both labor and capital; it is teaching the public the necessity of placing labor and capital on a strong business basis of reciprocal interests, but interests which recognize the public as their chief master. The discussion of the personal equation in the great Chicago strike has nothing to do with the principles involved. Action must be taken on the side of law and order, without reference to individuals, recognizing, however, that law and order mean the welfare of the nation and are based on principle and not on specific, individual acts, and that governments must adopt from various systems those features which are applicable under the conditions and necessities of the time, whether they are taken from a system of Government already in existence or one that may be advocated purely on theory. The experience of the American Government, which has adopted more socialistic elements than any other, is a sufficient guaranty of the conservative embodiment in labor legislation of the best ascertainable methods on which the majority of men can unite, not as partisans in the interest of labor or capital as such, but as patriots endeavoring to secure freedom from strikes, riots, intimidations, and violence of all kinds, which must be condemned by all right-minded men. The dictates of lofty patriotism should be the power to demand measures for their prevention. One of these measures comprehends industrial conciliation and arbitration. The warmest friends of this measure, however, do not claim that it is a complete remedy for labor troubles. They do claim that it is an effective balance-wheel and that it will secure better and firmer relations than now exist between the two great elements of business, and on a business basis.

CARROLL D. WRIGHT.

COLORADO'S EXPERIMENT WITH POPULISM.

PRIOR to the year 1892, Colorado was considered, on national issues at least, a reliable Republican State—in presidential elections always Republican. In 1882, and again in 1886, a Democratic governor was elected, but the other State officers were Republicans. The election of 1892, however, revealed a remarkable change of sentiment among the people; and the following analysis of the total vote for governor for each of four successive elections will furnish food for reflection:

	REPUBLICAN. Percentage of whole vote.	DEMOCRAT. Percentage of whole vote.	PROHIBITIONIST. Percentage of whole vote.	POPULIST. Percentage of whole vote.
1888.....	53.87	42.67	2.28	1.18
1890.....	50.11	42.38	1.28	6.23
1892.....	41.39	9.54	1.88	47.19
1894 (unofficial).....	53.	4.12	1.50	41.38

It would appear from this table that the Democratic party has been almost obliterated in Colorado. It is a fact, however, that in the last election a great many Democrats voted the Republican ticket as the only practicable way of defeating Populism—this notwithstanding the fact that in 1892 more than three-fourths of the Democratic party went over to the Populists, and that more than one-sixth of the Republicans did the same, with the result that Davis H. Waite was elected governor with a complete corps of Populist State officials. The Populist party did not, however, have equal success in the legislative elections of that year. In the house of representatives the Republicans had a majority. In the senate they had a plurality which could be overcome only by a combination of Populists and Democrats. Colorado's experiment in Populism is, therefore, an experiment in administration, and not in law-making.

The Populist movement in Colorado is not identical, either in causes or development, with the corresponding movement in Kansas, Nebraska, and the South. The real influence which suddenly swelled the Populist vote from 6 per cent to 47 per cent of the total

vote of the State, is found not in the Ocala platform of the Farmers' Alliance, nor in the vagaries of the Omaha platform, but in the attitude of the two great national parties on the question of bimetallism. The voters of Colorado of all parties are practically unanimous in the advocacy of bimetallism. Long prior to the National Conventions of 1892 there had developed an intense sentiment that the policy of gold monometallism was destructive not only to the interests of Colorado, but to manufacturing, producing, and commercial interests throughout the United States. In the hope of influencing national policy, "silver clubs" were organized throughout the State in the winter of 1891 and 1892, the members of which were pledged to vote for no presidential candidate who was not committed, and whose party was not committed, to the free coinage of silver. Delegates and organized committees labored with the Republicans at Minneapolis, and afterward with the Democrats at Chicago. Their efforts were fruitless. Then followed the Populist Convention at Omaha, with a declaration in favor of bimetallism, but with a demand for paper money, to be distributed in accordance with the sub-treasury scheme of the Farmers' Alliance, "or a better system" (*noscitur ex sociis*). Here, then, was a national party pledged to the free coinage of silver. Thousands of Colorado voters turned to it, not because they accepted its doctrines on other subjects,—for they ignored them,—but for the purpose of protesting against the attitude of the two dominant parties on the one subject of coinage. At the ensuing election the Weaver electors received a plurality of nearly 15,000 votes in Colorado, and the Populist candidate for governor was elected by a plurality of 5,436. Thus Colorado soon found herself subject to the full sway of a Populist régime.

From the foregoing statement it will be apparent that Populist ascendancy in Colorado was accidental. It did not represent the judgment of the great mass of citizens. The peculiar doctrines of the Populist party have no hold on those who, by their enterprise, their investments, and their labor, have done and are still doing so much to develop the wonderful and varied resources of the State. It was with a shock of surprise that vigorous and enterprising, albeit conservative, Colorado suddenly discovered that she had put her neck into the yoke of Populist control.

Since the character of a State administration must usually be, and in this case was, determined by the policy and conduct of the man who happened to be chief executive, it is fair to inquire whether

any peculiar or radical features should be attributed to the party and its principles, or to the idiosyncrasies of the man. After a gubernatorial career of nearly two years, Governor Waite sought a re-nomination. The State Convention of his party gave it to him with great unanimity and boundless enthusiasm. At the ensuing election he received more than 40 per cent of the total vote of the State. These facts can be considered only as an approval and ratification by his party of his public acts.

The dominant idea which permeates the Omaha Populist platform and its immediate predecessors is a concentrated paternalism. The Government ownership of railroads, of telegraph lines, of telephones; the reclamation by the Government of lands held by corporations and by aliens; the abolition of banks; the direct issue of full legal-tender paper money, not supported by a coin reserve; the lending of this money to the people on the security of "imperishable farm products," stored in Government warehouses,—these are characteristic features of Populism. The party also appeals to and emphasizes class distinctions. It calls for a "union of the labor forces of the United States"; it declares that "if any will not work neither shall he eat"; it sees naught but wickedness in the two great parties, and alleges that "corruption dominates the ballot-box, the legislatures, the Congress, and touches even the ermine of the bench."

Colorado in its State administration under Governor Waite gave an illustration of the practical operation of these Populist principles. Paternalism manifested itself in the assumption that the Governor is "the Government." Class distinctions were emphasized and increased by the announcement that the rich have had their day and turn about is fair play. The courts, if they differed from the executive in the construction of constitution or statutes, were corrupt usurpers. Under such influences the spirit of anarchy was fostered and grew apace, and the State was brought to the very verge of civil war. Is this indictment sustained by the facts?

In the first year of Governor Waite's administration there is little that requires comment. His inaugural message, although colored by populist sentiment, was a strong address, and as conservative as could be expected from a disciple of the Omaha creed. Its most radical feature, perhaps, was the recommendation that a railroad commission of three members be created, with power "to hear and determine complaints, *without recourse to the courts.*"

The Governor's intemperate utterances in the summer of 1893,

which gave to him and to his State an extended and unpleasant notoriety, have been unduly exaggerated. Words which, when taken with the context, show only a rhetorical but injudicious emphasis, have been construed as manifesting a spirit of bloodthirsty violence. Their practical effect, however, was to create in the outside world a distrust of Colorado, and among the conservative people of the State they created a feeling of apprehension as to what a Populist administration might do in the emergencies of the times. This apprehension was justified by subsequent events.

Under the laws of the State of Colorado the Governor appoints the three members of the Fire and Police Board of the city of Denver, and these appointments are made "with power of suspension or removal at any time for cause, to be stated in writing, but not for political reasons." Under this provision of law, the Governor made, from time to time, various changes in the *personnel* of the Fire and Police Board. These changes resulted in considerable friction and some litigation. Finally the Governor attempted to remove two of his appointees, who denied his authority so to do. The merits of the controversy between the Populist Governor and his Populist appointees do not concern us. Suffice it to say, that these members of the Fire and Police Board claimed that the real reasons for their removal were political, and that the assigned cause was a mere pretence. They refused to surrender their offices until the right there-to should be judicially determined and, in the meanwhile, obtained an injunction restraining the new appointees from interfering with them in the discharge of their duties. It is doubtless true also that, in anticipation of armed attack, they prepared for armed resistance. It should be said, however, that these officials at all times averred that if it should be judicially determined that they were not entitled to their offices, they would immediately surrender them.

The slow-moving process of the courts, however, did not, in the opinion of the Governor, furnish an adequate remedy. Notwithstanding the fact that the Supreme Court had promptly upheld the executive power in a previous controversy over appointments to the same Board, the Governor determined to carry out his purposes by force. He construed his constitutional power "to execute the laws" as including the power to forcibly induct his appointees into office without the intervention of civil process. His views upon this subject can be best illustrated by extracts from his own official statement. He says:

"That by the constitution of the State of Colorado the undersigned is charged with the duty of executing the laws. . . . That, acting upon the belief that he was authorized to carry into effect any order of removal that he might make in conformity with law . . . the undersigned . . . as commander-in-chief of the militia of the State of Colorado, upon the 14th day of March, 1894, duly called upon a number of the military forces of the State of Colorado to assist in the enforcement of the laws of the State, and in the removal of said Orr and Martin from the positions so wrongfully held by them. . . . The said military force was directed to proceed to the said City Hall in the city of Denver, and demand of the said Orr and Martin that they vacate the offices and apartments so unlawfully withheld by them, and that they desist and refrain from further interference with, or control over, the officers and patrolmen of the Police Department of the city of Denver, or the officers of the Fire Department of the city of Denver."

After speaking of the preparations of Orr and Martin for armed resistance to this military demand, the Governor further states that he deemed it his duty to call upon all of the National Guard of the State of Colorado to place themselves under arms in their respective armories, subject to call.

"How great a matter a little fire kindleth!" A controversy over two petty municipal offices sets a whole State in uproar. Although the law provides ample machinery for the swift determination of titles to office, this machinery is not employed. A military demand is made, and military force is at once used to enforce the demand. Gatling- and Napoleon-guns are trained on the City Hall, and the military forces of the city are drawn up in battle array before it. The militia of the entire State are ordered to their respective armories to await the orders of the commander-in-chief; and, in the midst of the tempest, the Governor calls also for United States troops. The correspondence in the War Department of the United States will show some of these events in a peculiar light. The Governor calls for United States troops to assist him in "preserving order and preventing bloodshed." Upon their arrival he demands that they be placed under his orders to assist him in "taking possession of the City Hall," that is, to induct his appointees into office. He learns to his dismay that United States troops can be subjected to the command of no other than a United States officer, and that they can be used only for prevention, and not for aggression. He then requests their removal. But, under the judicious control of the wise and experienced commander of the Department of the Colorado, they remain, and by their presence constitute a protection against further violence, a guaranty of safety for life and property.

Finally, under the urgent solicitation of citizens, and by the advice of General McCook, which we may well presume was supported by the moral effect of the presence of United States troops not subject to the orders of the Governor, the Governor was induced to submit the matter to the Supreme Court of the State, under a constitutional provision permitting the executive in certain contingencies to call upon that body for its opinion. It is a strange commentary upon this Populist administration that it should become necessary, in this year of grace 1894, for the Supreme Court to re-enunciate principles which lie at the very foundation of civil liberty. It is in the following manner that the Court commented on this strange proceeding:

"Will it be contended that it is the duty of the chief executive of the State to install into office, by force, if necessary, every county, precinct, or municipal officer whom he may deem entitled to such office, in advance of the determination of any controversy that may arise concerning such office? A proposition so fraught with danger to every principle of free government cannot for a moment be entertained; and, if such power cannot be lawfully exercised by the Governor acting in his civil capacity, *a fortiori* is the use of military force to that end by him as commander-in-chief unauthorized. . . . We repeat that by no rule of construction can the power and duty imposed upon the Governor 'to execute the laws' be held to authorize the forcible induction of an appointee into office. . . .

"Monarchical and despotic governments can undoubtedly proceed more speedily than a representative government in the enactment, administration, and execution of the laws. Reasonable delay is the price we pay in order to secure the protection and vindication of personal and property rights under a government like ours; and when it is once conceded that the hardship resulting from such delay justifies a resort to the summary exercise of arbitrary power, either by the civil or military authority, then will justice be dethroned, and despotism or anarchy usurp her seat."

It may well be supposed that such display of military force in such a cause, the contempt expressed by the chief executive for the established courts, and his assumption of arbitrary power caused great ferment in the public mind, and greatly increased the difficulties and hardships of industrial and commercial life, already prostrated by the general pressure of the times.

But, under populist misgovernment, even more serious troubles were imminent. As early as February, 1894, differences arose between miners and mine-owners at the great gold camp of Cripple Creek, resulting in a strike of the most virulent kind. At an early stage this strike developed into armed opposition to any working of the mines except on terms dictated by the miners' union. Later, mine bosses and foremen were driven away. Miners who advised concessions were in several instances grossly maltreated, in ways too

horrible to relate, and were ejected from the camp. From the inception of this trouble, the active and expressed sympathies of the Governor were on the side of the miners, and they were thereby emboldened to deeds of violence which certainly would not otherwise have been committed. Early in the strike, the sheriff in attempting to serve process was met with armed opposition, and after resorting to the usual means of assistance he called upon the Governor for aid. The militia were sent in response to this demand, but very soon afterward the Governor, publicly alleging that he had been deceived by the sheriff and by false representations had been induced to order out the military, withdrew them. From that time on the miners looked upon him as their champion. The conservative people of the State considered that the chief executive was aiding and abetting lawlessness.

There is no need to write a detailed account of the "Cripple Creek War." It should be stated, however, that hundreds of honest miners took no part in, and had no sympathy with, the disgraceful proceedings that took place. Many of these were compelled to leave the camp until the "war" was over. Many others were, against their will, impressed into service. The evidence seems indisputable that many of the leaders of the movement were ex-convicts and known outlaws whose right to be called "miners" was doubtful. The authorities of El Paso County finally determined to enforce the law at all hazards, and the sheriff appointed a large number of deputies to assist him in so doing. The "miners" immediately extended their organization, gathered arms and ammunition, invaded private houses for the purpose of gathering munitions of war, and unceremoniously appropriated them wherever they found them. They stopped travellers on the highway and searched them for arms. They built fortifications on "Bull Hill," and gathered a force variously estimated at from 1,000 to 1,800 armed men. At the first approach of deputies they blew up the shaft and shaft-houses of a large mine. A portion of their number went out to meet the deputies and made a night attack upon them, resulting in loss of life.

Now, what is the attitude of this Populist administration in the meanwhile? The Governor is openly and even over his own signature in the public press charging the Sheriff with gathering an unlawful assemblage, because he had included in his list of deputies men from other counties than El Paso. His Adjutant-General, who happens to be a lawyer, is appearing for and defending, in the

courts of El Paso County, certain of the "miners" who had been already arrested. The Governor's private secretary, in a published interview, encourages the strikers in their resistance to law in words like these:

"The majority of the men on Bull Hill are animated by the conviction that they represent a vital principle. They haven't the slightest fear of death. There are scores of those men who believe that if they fall in the impending battle, their blood will be the seed which will redeem the cause of labor to the world."

It is during this period that the expression "D—n capital" is attributed to Governor Waite.

Finally a force of 1,000 armed deputies is gathered in camp a short distance from "Bull Hill," and a battle seems imminent. At this stage of the proceedings the Governor visits "Bull Hill," where he is cordially welcomed. Divers reports exist of his sayings and doings there, and, according to newspaper accounts, certain violent words which then dropped from his lips became a rallying-cry for the "Bull Hill" battalions. He finally came back bearing overtures of peace. He came as the ambassador of "The Free Coinage Miners' Union, No. 19, W. F. M. A.," duly appointed by writing bearing the seal of the order.

Under the active influence and pressure of certain citizens brought to bear on both parties, a compromise of the original differences was finally arrived at, and further bloodshed was avoided. After the agreement of compromise was reached, the Governor sent a strong body of militia to the scene of conflict, to stand between the belligerents, and with orders to strictly limit the number of arrests which the Sheriff should be permitted to make.

Throughout this proceeding the Populist Governor, in accordance with the spirit of the Omaha platform, seems to consider himself as representing not the whole people, but a special class; not employer and employee, but employee against employer; not labor and capital, but labor as against capital. He himself recognizes this fact and attempts to justify it. In a subsequent campaign speech, he remarked:

"I said when I was elected Governor, and many times since, that in the administration of my office I should look after the interest of, and legislate for, the laboring man and woman. Fault was found with me that this would be class legislation. Well, what if it is? Is it not the truth that for thirty years the two old parties have been legislating for the creditor class? It is true, and turn about is fair play."

Observe, in passing, that the Governor, having before assumed judicial

power, now assumes, perhaps unconsciously, that he can also exercise the duties of legislation. The trinity of governmental powers converge in him. This assumption that governmental policies, having swung to one side, must now, like a pendulum, swing to the opposite extreme, is the cardinal vice in the Populist doctrine. Out of this assumption springs the evil genius which has shaped the course of Colorado's Populist administration.

In December, 1893, the Governor called a special session of the General Assembly. His principal purpose was to have a law enacted which should make foreign silver coins a legal tender in Colorado. With this was coupled a proposition that contracts payable in gold should be prohibited. It is unnecessary, perhaps, to say that these suggestions dropped still-born, and were by the legislature quickly consigned to oblivion.

The Populist policy of administration could be illustrated by numerous other acts of minor importance, but the foregoing are surely sufficient. That Colorado suffered in her credit abroad and in her enterprise and investments at home is but the necessary corollary—too intensely verified by actual experience. While all the world has suffered from causes which are world-wide, Colorado has had the additional burden arising from the spirit of anarchy fostered by executive authority.

Colorado is, however, rich in resources. This wealth of resources can be developed only by the harmonious coöperation of capital and labor. The existence of such natural sources of prosperity serves to strengthen among the people of Colorado a conservative and law-abiding spirit, and in no State of the Union will there be found a stronger spirit of business integrity and faithfulness in financial obligation than among those who bear the burden of taxation,—State, county, and municipal. There was, therefore, a universal feeling of indignation prevalent in the State when it was found that, by the accident of 1892, there had been invoked the spirit of misrule, setting labor and capital at variance, breathing violence, and casting an odor of discredit upon the State. This feeling of indignation was especially strong in the cities and in the agricultural counties, where tremendous majorities were given against Governor Waite in the recent election. His defeat would have been far more overwhelming, except for the support he received from mining counties, a support which is sufficiently explained by facts already related.

In its State convention preceding the late election, the Republican

party declared: "The paramount issue in the State of Colorado is the suppression of the spirit of anarchy, the restoration and maintenance of law and order." Upon this issue the battle was fought, and the victory won. The silver question was a minor issue, and rested on the proposition, asserted by the Republicans, that the people's party is "the most insidious foe to the restoration of the free coinage of silver, in that its platform demands an extensive issue of paper money not based upon, or redeemable in, either gold or silver."

The Eastern press makes an egregious error in assuming, as has frequently been done of late, that the Republican victory in Colorado denotes defeat of the silver cause. It does not imply the slightest diminution of bimetallic sentiment. Certainly, a party which wins its victory under the leadership of such men as Senator Teller and Senator Wolcott can hardly be said to have grown less zealous in the cause of bimetallism. The Republican party of Colorado believes in gold and silver coin as the legal-tender money of the country, and as the basis of currency issues. It looks with some amusement at the present proximity of extremes—the bankers at Baltimore and the Populists of the Farmers' Alliance—the one advocating a paper currency based on stockholders' liability and bank assets (for example, bank buildings, furniture and fixtures, and bills receivable); the other advocating a paper money issued on the security of "imperishable farm products," such as wheat, cotton, and tobacco. It wonderingly inquires whether we shall depend in future for our money supplies "upon the quartz mills or the pulp mills of the country." The combination of doctrines labelled "Populism" furnishes, however, no panacea for existing ills. Colorado is not likely to repeat her experiment in Populist government.

JOEL F. VAILE.

THE GREAT REALISTS AND THE EMPTY STORY-TELLERS.

WHO that has read Rousseau's "Confessions" will fail to remember the emphatic avowal that he was unfitted for life by the reading of novels? To be sure, the novels he read were of a highly romantic, or, as it is euphemistically called, "idealistic," kind, which represented a condition of things that never was on land or sea. And it was not an occasional excursion the boy, Jean-Jacques, undertook into this delightful region of high-colored improbabilities; but he took up his residence there and dwelt there, making only reluctant visits to the "sordid" reality which surrounded him. He devoured romances with a ravenous appetite for the intoxication which he craved, and craved more and more. He sought refuge in a fictitious world of resonant speech and mighty deeds from the *petites misères* of a small *bourgeois* existence in Geneva. Like the opium-habit the craving for fiction grew upon him, until the fundamental part of him had suffered irreparable harm.

It is barely possible, of course, that Rousseau, in looking back upon his past life and trying to account for its vagaries and misadventures, exaggerates the effect of his intemperance in the matter of fiction. He may have had a taint from his birth, making him nervously unstrung and liable to excesses. But, even making allowance for this, I find his avowal interesting and significant. He is not the only one who has experienced detrimental effects from dwelling too long in the pleasant land of romance. As soon as a man—and particularly a child—gets acclimated there, he is likely to become of very small account as far as reality is concerned. He becomes less and less able to apply sound standards of judgment to the things of this world; and as the success in life for which we are all striving depends primarily upon this ability to see things straight and to judge them clearly, no one can escape the conclusion that a large consumption of romantic fiction tends distinctly to disqualify a man for worldly success. A habit of mind is produced by the frequent repetition of the same or similar impressions; and if, while young,

your thoughts move among absurd and lurid unrealities, and your eyes become accustomed to the Bengal illumination of romance, you will be likely to tumble about like a blundering bat in the daylight. Many a time, I will warrant, you have had this very experience of waking, as from a delightful dream, when your novel was finished. The world and all your daily concerns look pale, dreary and vaguely irritating, while your mind is yet vibrating with the courtly speeches of some fascinating d'Artagnan, to whom life was but a stage for gallant adventures, or with the clash of Ivanhoe's sword or the impossible heroism of an impossible Esmeralda. The youth who gets his mind adjusted to these styles of speech and action and the motives which they imply will be severely handicapped in dealing with affairs which require a nice discrimination of practical values. He will find it next to impossible to command that supreme concentration of effort without which no great achievement is accomplished. He will lapse into mediocrity, even though he may have been equipped for distinction.

"But," you will object, "this escape which romance affords us from life's dreary round of cares and duties is not only delightful but beneficial: it refreshes the mind, satisfies a latent craving for the heroic, which we all have, and sends sun-gleams from an ideal world down into our gray, monotonous existence; it is like canvas-back, terrapin, and champagne to a man who is wont to dine on porridge and red herring."

Well, there is a good deal to be said for this view. But, in my opinion, it is unsound. As the world is now constituted, the little margin of superiority by which a man secures survival and success is so narrow, that the very smallest advantage, gained or squandered, may be decisive as to his whole career. Therefore, all education should be primarily directed toward securing as intimate an acquaintance as possible with one's environment, so that one may be able to utilize it most effectively. I freely admit that this is not the aim of our present educational system, which flounders helplessly between the old humanistic curriculum and the new scientific studies. But a new light has dawned upon our darkness, and education is being reformed about as fast as academic conservatism will permit. This by way of a parenthesis, which, however, has a direct bearing upon my contention. The most modern novel—which should not be confounded with the romance—has set itself this very task of exploring reality, and gauging the relative strength of the forces that enter into our

lives and determine our fates. It is, therefore, a powerful educational agency, and is being utilized as such in at least one of our great universities—by Professor Brander Matthews, of Columbia College, who gives an annual course of lectures on “The English Novel.” It does not act as an opiate dulling our interest in everyday affairs, but it sharpens our observation and enables us to detect the significance of common facts and events. The reader is a wiser and, perhaps, a sadder man, when he rises from the perusal of such a book, as, for instance, “Middlemarch,” which illuminates one of life’s most vital problems and enables him to deal with it more intelligently when it presents itself for his solution. For it is only a poor, spluttering, tallow dip nature has provided you with for the exploration of that intricate labyrinth matrimony; and no Ariadne’s thread will ever lead you safely out, if once you have had the hardihood to enter. In “Middlemarch” the intimate history of two typical marriages is related. In the one case, the husband’s career is wrecked by the hard, exacting selfishness of the wife who is a very harpy disguised as an angel. In the other case a noble and lovable woman is led by her very nobleness into a no less tragic mistake, and here it is the husband who is the Moloch in whose arms the wife finds a slow, but no less torturing martyrdom. How many thousands, if not millions, of lives there are which intersect this story at innumerable points! It is as if an electric torch had been thrust into the innermost recesses of our lives, throwing its fierce glare upon ourselves and all our surroundings. I can imagine no more profitable reading either to young or old than this great epic of matrimony.

I have chosen “Middlemarch” as an example of the modern realistic novel, because I know none, unless it be Thackeray’s “Vanity Fair,” which deals so searchingly with typical persons and conditions, and so scrupulously excludes everything that does not appertain to the experience of the average human being, in the sphere of society with which it deals. Many excellent persons will, no doubt, disagree with me, if I avow the opinion that “Vanity Fair” is also, in a sense, educational, though it requires a higher degree of maturity to detect and profit by its lesson. By lesson I do not mean a pointed moral at the end—a *hæc fabula docet*—but merely a deepening and widely ramifying acquaintance with reality. Instead of blinding one to the forces that govern the world, novels of this order reveal them. Instead of counteracting the logic of life, they enforce it.

I am distinctly conscious of being indebted to Thackeray for having led me out of the "moon-illuminated magic night" of German romanticism (in which I once revelled) and accustomed me, by degrees, to a wholesomer, though less poetic, light. Vividly do I remember the distaste, the resentment, with which as a youth of twenty I flung away "The Virginians" at the chapter where Harry's calf-love for Maria is satirized. Like a sting to the quick was to me the remark about his pressing "the wilted vegetable" with rapture to his lips, or was it his heart? The delicious, good-natured ridicule with which the infatuation of Pen for Miss Fotheringay is treated in "Pendennis" hurt and disgusted me. I felt as if the author were personally abusing me. For I was then at the age when Pen's madness seemed to verge more nearly on sublimity than on foolishness. Accordingly I had a low opinion of Thackeray in those days.

But for all that, I could not help reading him; and, truth to tell, I owe him a debt of gratitude which it would be difficult to over-estimate. He saved me from no end of dangerous follies by kindling in me a spark of sobering self-criticism, which enabled me to catch little side-glances of myself, when I was on the verge of committing a *bêtise*. He aroused in me a salutary scepticism as to the worth of much which the world has stamped with its approval. He blew away a good deal of that romantic haze which hid reality from me and prevented me from appraising men and things at their proper value. Though no crude Sunday-school moral is appended to "Pendennis," "The Newcomes" or "Vanity Fair," he must be duller than an ox to the subtler sense who does not feel in the pervasive atmosphere of these books a wholesome moral tonic. And who can make the acquaintance of Colonel Newcome without having the character of the man stamped on his very soul and feeling a glow of enthusiasm for his nobleness, uprightness and lofty sense of honor? It is because he is so touchingly human, so pathetically true, that he makes so deep an impression. And as for Clive and Rose and the Campaigner, their fates have an educational worth beyond a hundred sermons. Though Thackeray does not often scold his bad and questionable characters (as does, for instance, Dickens), and though he permits an occasional smile to lurk between the lines at Becky Sharp's reprehensible cleverness, there is nowhere any confusion of moral values; and the voice that speaks has a half paternal cadence of genial wisdom and resignation.

Among the other novelists to whom I am indebted for a clearance

of vision, I cannot omit Tolstoi. He is a more strenuous and commanding personality than was Thackeray; and the moral he teaches is more direct, insistent, importunate. I am speaking now of his early works, which were written before he became a prophet. Not that—though disagreeing with him—I honor him less in this capacity than in that of a writer of fiction; but his work as a social reformer lies beyond the scope of the present article. It is as the author of “Anna Karénina” that he has his title to immortality. I have heard many good people call this wonderful novel immoral, because they have the notion that every book which touches upon the question of sex is *ipso facto* immoral. Nothing can, to my mind, be sillier than this. The novelist has to take life as he finds it, and he would produce a false, distorted picture if he were to omit a factor which plays so tremendous a part as sex. The morality depends upon the spirit in which the author deals with his subject. “La dame aux Camélias” is immoral, not because the heroine is of the *demi-monde*, but because Dumas *fils* violates the logic of life in representing her as a lovely and sentimental creature, and capable of as pure and exalting a passion as a woman who had never sinned. Likewise Mürger in “Scènes de la vie de Bohême” and Du Maurier in “Trilby,” fascinating though they are, extol the grisette, implying that an occasional lapse from virtue is, on the whole, a venial affair and leaves the core of the character unimpaired. Musette in the former novel and Trilby in the latter are rose-colored lies and are the more dangerous because uncritical youth will take them to be types of their kind and will never suspect how untrue they are, how far removed from reality. No, then give me rather Zola’s “Nana,” which states the unvarnished fact with brutal directness; or even Daudet’s “Sappho,” which details the whole direful experience, from the first intoxication of the sense through the years of gradual disillusion to the utter blighting of the soul, exhaustion and ruin. No one will feel tempted to embark in so perilous an enterprise, after having received so lucid an exposition of the consequences; while I know more than one young man in whom the seeds of corruption were sown by Dumas and Mürger. These writers are immoral, not because they deal with sin, but because they deal with it untruthfully; while Zola and, in a less degree, Daudet, who give an exact and vivid reflection of an ugly reality, become unintentional, if not unconscious, moralists.

Among these faithful and unflinching chroniclers of life Tolstoi is the foremost. He is the greatest living moralist, because he pierces

deeper into the heart of things than any contemporary writer. 'No-where have I found in him an instance of prevarication. Without a word of preaching, he enforces in "Anna Karénina" the inexorable law that all anti-social relations are destructive of character, destructive of happiness, destructive of life itself. When the individual, in pursuing its lawless pleasure, imagines that it is drinking in deep draughts the very fulness of life, it is really engaged in reducing and diminishing its fitness for life—in eliminating itself from the struggle for existence. It is engaged in demonstrating its unfitness for survival. Thus Anna's sin destroys her by a relentless necessity, first, because it brings her upon a war-footing with society, which is founded upon the family and must, in self-protection, resent affinities that controvert this fundamental institution; secondly, because the insecurity of the relation itself and the consciousness of its abnormality induce perpetual excitements, which, by ruining the nerves, upset the mental balance and make sane and tranquil conduct impossible. What profound psychology Tolstoi displays, and what fine reticence, too, in the account of Anna's moral deterioration! How insidiously and gradually she entangles herself in the net which drags her to perdition!

There is something almost appalling in the rigorous veracity of this great and patient Russian with the toil-worn hands and the tragic face. There is a vast murmur of human activities in his novels, a busy clamor of human voices, a throbbing turmoil of human heart-beats,—so much so that one appears to have lived through his books rather than to have read them. Never did I suspect the closeness of man's kinship to man and the identity of human experience, in spite of race, climate and country, until I read Tolstoi's remarkable autobiography, entitled, "Childhood, Boyhood, and Youth"; and after having finished "Ivan Ilyitch" I actually began to develop the symptoms of the mysterious malady which killed the unheroic hero of that extraordinary novel. To be sure, I had had a fall from my horse the week before, and that may have given color to my illusions.

How unutterably flimsy and juvenile, romantic fiction, such as Stevenson's tales of villanous wreckers and buccaneers, Haggard's chronicles of battle, murder and sudden death, Conan Doyle's accounts of swaggering savagery and sickening atrocities, and S. R. Crockett's sanguinary records of Scotch marauding expeditions, appear to me, compared with Tolstoi's wonderfully vivid and masterly transcripts of the life we all live! Amid all the shouts of the fight-

ers and the clash of arms there is, to me, a deadly silence in the popular novel of adventure. The purely artificial excitement leaves me cold and a trifle fatigued. I see everywhere the hand that pulls the wires. It is a great dead world, whose puppets are galvanized into a semblance of life by the art of the author.

"But," the critics will tell you, "you must be a poor prosaic soul if you do not feel your pulses tingle with delight when you read of heroic adventures and daring deeds." Well, that depends primarily upon what they call heroic. When I read in Rider Haggard of two Englishmen who killed fifty or a hundred or five hundred Zulus, or in Conan Doyle's "The White Company" of four Britishers and a Frenchman keeping an army of six or seven thousand at bay, or in Walter Scott of Ivanhoe's tremendous feat of arms, I am not a particle stirred, first, because the deeds do not seem admirable, and secondly, because neither Ivanhoe nor the Zulu-killing young Britishers are to me alive; for which reason it is of small consequence what they do. When, on the other hand, I read in Tolstoi's "War and Peace" the account of the siege of Sevastopol, during which daring acts were frequent, I am deeply interested, because it all bears the stamp of authenticity, and it is interpenetrated with a warm, red-veined humanity. That is war as it is, written by one who draws upon his own experience, and knows whereof he speaks. But who will pretend that Walter Scott, splendid *raconteur* though he was, represented with even a remote degree of correctness the life of the Middle Ages? And still less can Rider Haggard, or any of his romantic *confrères*, lay claim to verisimilitude or fidelity to anything but their own desire to excite and amuse. The reading of their books tends to the awakening in the young of the feudal ideal which it has cost the world such a deluge of blood and tears, partly to get rid of. For that we have not wholly gotten rid of it the popularity of these very authors sufficiently proves.

I shall probably be charged with exaggeration if I say that the recent aristocratic development in the United States, with its truly mediæval inequality between the classes, is in no small measure due to this recrudescence of the feudal ideal among us, which is again, in a measure, due to the romantic fiction that our youth of both sexes consume. It is the feudal sentiment of good Sir Walter and his successors which makes our daughters despise the democracy which their fathers founded, and dream of baronial castles, parks and coronets and a marriage with a British peer as the goal of their ambitions. It

is the same feudal sentiment which makes their mothers share and encourage their aspirations and equip them, in Paris, with all the ethereal ammunition required for the English campaign. Half the novels they read glorify these things, and it would be a wonder if the perpetual glorification did not produce its effect. For the idea that literature of amusement is a neutral agency which affects you neither for good nor for ill is a pernicious fallacy. What you read, especially in youth, will enter into your mental substance, and will and must increase or impair your efficiency. Much you will outgrow, no doubt; but there always remains a deposit in the mind which you will never outgrow. It is, therefore, of the utmost importance that that which you read should tend to put you *en rapport* with the present industrial age, in which, whether you like it or not, you have to live, rather than with a remote feudalism, whose ideals were essentially barbaric, and certainly cruder and less humane than ours. It is your comprehension of the problems in your own existence and in that of your unheroic neighbors—what the romancers contemptuously call the prose of life—which makes you a useful and influential citizen; while preoccupation with what is wrongfully conceived to be its poetry produces wrecks and failures. It is because the romantic novel tends to unfit you for this prose of life that I condemn it; and it is because the realistic novel opens your eyes to its beauty, its power and its deeper significance that I commend it.

HJALMAR HJORTH BOYESEN.

STUDENT HONOR AND COLLEGE EXAMINATIONS.

ON a warm day in June some years ago, a number of students of a well-known college were seated around a large table in the examination-room. Each had a set of printed questions to which answers were to be written within a prescribed number of hours. Before handing in his paper the student was required to sign a printed statement in these words: "I pledge my word of honor that in preparing these answers I have not received aid from any person, book, manuscript, or any other source whatever." Two students, who may be designated A and B, were seated opposite each other. After several hours A had nearly completed his task, while B was still perplexed over a question. Suddenly a gust of wind swept through the open windows. Scores of sheets of paper were scattered in confusion through the room. A's paper fell upon the opposite edge of the table, and by an ill fate the answer to the question over which B had been so much puzzled was uppermost. The involuntary glance of a moment gave the clue he had in vain sought. He found himself unable to sign the examination-pledge, except by omitting entirely the question on which aid had been thus so unexpectedly rendered. This omission caused his paper to be graded below the passing mark, and failure in a single subject at a final examination determined his loss of the baccalaureate degree. The professor who graded these papers was a man whose justice was unquestioned and whose kindness was unbounded, but B's delicate sense of honor was such as to make him unwilling to offer any explanation of his failure. He bore his mortification in silence, and not until many weeks afterward was the truth made known.

This is perhaps an extreme case. I was a classmate of the unfortunate student, and gently criticised him for his failure to secure the lenient consideration that was justly due. Martyrdom for an abstract principle is honorable; but martyrdom without the use of all honorable means to prevent it is not necessary. The error was one of head and not of heart. But it was far less worthy of condemnation than the more common one which may now be detailed by way of

contrast. Two students, C and D, are seated next each other in the examination-room. C is a good memorizer, but not infallible. He writes out a faulty demonstration, employing an incorrect diagram, and one or more absurdities are introduced through the faithful reproduction of unrelated statements committed to memory from his text-book or lecture-notes, or brought into the examination on concealed bits of paper. D, who admires his friend's apparent brightness, furtively copies the faulty diagram and demonstration, line for line, symbol for symbol, word for word. Each writes his signature to the pledge that during this examination no aid has been given or received; or perhaps he has eased his conscience by affixing his signature before writing out any answer. The pledge presupposes the existence of a "word of honor," but, in the absence of any adequate conception as to the meaning of such a phrase, quibbling is to be expected. On the following day the examiner's attention is unavoidably attracted to the remarkable coincidence that two papers should include identically the same errors in both form and statement. Each student is privately summoned, and an explanation is demanded. Conviction at once follows, and the nature and extent of the punishment are determined by local precedent.

It is probably within the truth to say that shortly before the beginning of every summer vacation a majority of those who are engaged in the work of instruction, whether in colleges or preparatory schools, have their attention called, directly or indirectly, to cases of dishonesty in examination. The evil is widespread, but in colleges at least it may now be confidently said to be diminishing. Probably it will never wholly cease so long as periodic written examinations continue in vogue, nor, indeed, so long as students are subjected to any kind of examination whatever. In civil life, courts of justice and prisons are as necessary to-day as they were in the days when Roman law was becoming formulated as a basis for future codes. Human nature among students is substantially what it was and is among their parents. In the competition of business, of politics, of professional life, men are continually trying to gain prizes with the least possible expenditure of labor. The virtue of truthfulness is praised in the abstract, but truth is so commonly sacrificed in the pursuit of profit that in certain kinds of business its violation is assumed as a matter of course, and strict integrity is looked upon as the characteristic of a simpleton. Students are not superior to the world around them; they cannot be held to a standard superior to that of society at large.

It is quite generally agreed that no student should be held responsible for mental deficiency. He had no agency in determining his inheritance, whether in mind or body. But the laws of nature operate without pity, and he who is intellectually weak is naturally deprived of the opportunity to enjoy what the world accords to power. So it is also in regard to morals.

There are many young persons who have no conception of the obligation implied in a "word of honor." Such a conception is not innate, but rather a product of culture. The moral sense needs direction and cultivation. The current standard of honor is to a large extent arbitrary, an outcome of popular sentiment, and hence liable to change with the growth of civilization. This is abundantly shown in changes that have been developed within a single generation in our own country. The "code of honor" forty years ago made duelling obligatory under certain conditions; and this is the case still in Europe. Such a code is now little else than a memory in America. The rapidity with which change in popular sentiment has made laws against it effective is a sufficient indication that change in the student sense of honor may be developed; and the current standard twenty years hence may become generally as high among American students as it is already in a few institutions to which reference will presently be made. The change will not be an outcome of prohibitory college legislation, but rather of growth in college freedom. In the ordinary business of life the man who is convicted of palpable mendacity or any other form of flagrant dishonesty loses caste among those whose good opinion is most worth retaining. The sin brings its own natural punishment, even though called only "the sin of being found out." Among those who claim to be educated, who wish to maintain leadership in the industrial, political, or social world, dishonesty is costly and dangerous. Honesty based upon principle is above all things to be desired. But even apparent honesty, based upon an intelligent conception of policy, constitutes a long step toward the attainment of a healthy tone of honor.

With a view to investigating the tone among American colleges, so far as this can be manifested in the standard of student honor in examinations, a list of questions was prepared and sent to a member of the faculty of each of forty-three institutions of higher education in every section of the United States.¹ Of those addressed only one

¹ The following is the list of institutions selected: Adelbert College, Agri-cultural College of Iowa, Alabama Polytechnic Institute, Amherst, Brooklyn

failed to respond. The list includes a majority of the leading American institutions, though not all of those having a high standing. It is fairly representative of all parts of the country, and little would have been gained by multiplying applications. The results of the information received are summed up as follows:

I. Out of forty-two correspondents only one writes that his examinations are exclusively oral, this course being adopted because it makes cheating difficult. In two other cases it is stated that they are mostly oral. In eight cases they are both oral and written, the natural inference being that about equal value is attached to each method. In nine cases the examinations are mostly written, and in twenty-two cases wholly written. This shows that in the leading American colleges the method of written examinations is the rule, of oral examinations the exception. Forty years ago oral examinations were the rule, and written examinations the exception. Each plan has its own advantages. If cheating is to be prevented by vigilance alone, the oral examination is better. But happily this necessity is not always present. In a large number of cases each teacher is at liberty to examine in any way that may seem to him best, without being bound down to any inelastic rule. If a daily class-record is kept, it is best to make such a combination of grades in advance, review, and examination work as to cause the student to find his own interests promoted by constant attention to duty rather than by "cramming" for an examination. But the keeping of a daily class record implies much recitation; and by many teachers, especially in the higher departments, recitation-marks are deemed a clog rather than an aid. Without them a good teacher is still able to judge regarding the attainment reached by his students. It is not possible to dispense with examinations; but for the method of conducting them no rule can be laid down as deserving of universal application.

II. Twenty-nine correspondents write that the student is not required to make any statement that his work has been independently done. Thirteen write that a pledge is required to the effect that no

Polytechnic Institute, Brown, Case School of Applied Science, Colby, Colgate, Columbia, Cornell, Dartmouth, Harvard, Johns Hopkins, Massachusetts Institute of Technology, Northwestern, Ohio State University, Princeton, Rensselaer Polytechnic Institute, Richmond College, Rose Polytechnic Institute, Rutgers, Smith, South Carolina College, South Carolina Military Academy, Stevens Institute of Technology, Trinity, Tulane, Union College, U. S. Military Academy; the Universities of California, City of New York, Georgia, Michigan, Pennsylvania, Rochester, Tennessee, Texas, Virginia, Wisconsin; Vassar, Williams, Yale.

aid has been given or received; and each of these thirteen expresses his conviction that the writing and signing of such a pledge has a decided influence in preventing dishonesty.

III. In twenty-one cases comes the statement that among the students a strong popular sentiment against "cribbing" exists. In twelve cases this feeling is said to be not strong. In nine cases the reply is given that a student disgraces himself if he cribs in an examination for honors, but that in the estimation of his fellow-students he is considered justifiable in cribbing if his class record has not been high and the effort in examination is merely to escape being conditioned. This distinction of course has no ethical basis. To win an honor by cheating is obviously an offence against honest competitors, altogether apart from the self-degradation involved in falsehood. The student who merely passes is not on this account a person of distinction, but if he does so by dishonest means he may quite naturally incur the contempt of the man who has failed honestly. At best he has recorded his disbelief in the importance of truthfulness as an element of manly character. It is encouraging to note that a majority of the replies indicate a strong sentiment among students against any form of cheating in examination. A considerable proportion of these writers intimate that this feeling is growing in strength; that cheating was formerly more common, but that a decided reaction against it has been lately developed. The monthly college journal is an index and at the same time an important agency in bringing about these changes. Its editors are usually selected from the better class of students, and their influence in such matters is nearly always for good.

IV. To the fourth question—whether there is among the faculty any sentiment that cribbing should be prevented rather by the vigilance of the examiner than by an appeal to the honor of the student—the answers were in some cases less direct than was desirable, because a single writer, while giving his own impressions, felt naturally some hesitation about speaking for others without special consultation. The general preference of the faculty was in seventeen cases said to be in favor of the honor system, and in eleven cases in favor of that of vigilance. In six cases the simultaneous application of both systems was advocated, and in eight cases the members of the faculty were said to differ among themselves in relation to this subject. A few quotations from the replies may be here given.

"I think the faculty are divided, though I feel sure that a majority believe that simple vigilance, unaided by the students' moral support, will not be effec-

tive. For myself I believe that temptation should be removed, so far as possible, by separating the seats and by a certain amount of watching."

"If you adopt the honor system, do not spoil it by doubting the word of a student. An honored professor once told me that he required a written pledge to the paper, 'but,' said he, 'we watch them too.' This is a mixture worse than either plan alone."

"Both methods are used. I am sorry to say that, human nature being weak, an appeal should be made, *and* the instructor should be *present* and *watchful*."

"We employ proctors to assist the examiner. I object to putting students on their honor by means of a written pledge or affirmation."

"Cribbing is so uncommon here that I know of no sentiment one way or the other about watching against it. For myself I choose to trust the honor of our students, and I think that I can safely do so. Where watching is depended upon, a certain class of students would rather enjoy evading such vigilance, while they would not cheat if put upon their honor."

"It is considered so grave an offence to cheat that the accusation is not hastily made. It is a matter for serious consultation, just as serious in college life as it would be in the outside world to accuse a woman of want of chastity. So soon as a professor begins a system of espionage the student feels at liberty to outwit him if possible. Such espionage would be felt here to be equally degrading to both professor and student."

V. The fifth question—as to whether a student who signs a pledge which is handed in with his paper is permitted to leave the examination-room before completing his paper—was left unanswered by about a dozen of those who in response to the second question had written that no pledge was exacted of the student. In eleven cases it is stated that no permission is granted the student to leave the room during the course of an examination. In eighteen cases it is stated that such permission is accorded when any reasonable ground for it is presented. If the espionage system is in force, it is natural to suppose that a student would feel himself at liberty to seek aid if temporary leave of absence is granted. If the honor system is in force there is no reason why he should be trammelled. In an American university where I spent some time as a student, and where the honor system is in full force, it is not uncommon for students at mid-day to leave the examination-room in order to eat dinner. The work is resumed in the afternoon, and occasionally a student leaves a second time for supper, and finishes his work by gaslight. Despite the abundant opportunity for cheating, so high is the standard of honor, so vigilant are the students, and so relentless in crushing offenders, that less than half a dozen cases of dishonesty in examination have been detected within the last forty years. No proctors are needed in such an atmosphere. The written pledge is appended to every examination-paper, but only in obedience to a wise custom and not as a necessity.

VI. To the question as to the maximum and minimum penalties in cases of conviction of cribbing, the answers are naturally somewhat varied. Where the honor system exists, the penalty for its violation is rightly more severe than where the student is subjected to espionage. To abuse a trust is a graver offence than to outwit a police officer. The maximum punishment inflicted for cheating in examination is expulsion, summary and unconditional. This is assigned as the usual punishment in twelve of the institutions enumerated. In several others the offender is not publicly expelled, but permitted quietly to withdraw. In others the punishment is graded according to the circumstances of the case, the maximum being suspension for a year or more, and the minimum suspension for a single term. In all cases the offender's examination-paper is rejected, so that he is thrown back a year or required to stand a subsequent extra examination. In addition to this the student is suspended for six months, three months, or in one institution only two weeks. Sometimes the infliction of a penalty is left to the judgment of the professor in whose department the offence has been committed, especially if the offence is so very rare that no "usual penalty" is provided for it. This last remark applies to each of the two women's colleges, and to at least two Northern institutions for young men.

Of the six quotations given above, the second and last are from Southern colleges, the other four from Northern institutions.

In Southern colleges generally, the traditional standard of honor in the examination-room is very exacting. The following extract is from a letter written by a professor in a well-known Southern college. It is only one of a number of accounts from different sources, all of which indicate the same spirit.

"On one occasion a young man of talent, from one of the best families in the State, committed the very unusual crime of cheating in an examination. The faculty knew nothing of it. His class held a meeting and appointed a committee to wait on him at the hotel whither he had gone on hearing that he had been detected. This committee notified him that he would not be allowed to enter the College limits, but allowed him to send a dray for his trunk. He informed the committee that he had fallen into temptation and felt the disgrace keenly, but that they were right and he would leave. The students notified the faculty of the occurrence and of their action, and asked that for the sake of the offender's family he be not publicly expelled, but that he be dismissed. The faculty thanked the students, and indefinitely dismissed the young man. Repentant, but feeling that the stigma would cling to him, he soon left the State."

The conclusion must not be drawn from this incident that in Southern students there is any inherent moral superiority over their

friends in Northern colleges. College honor is largely the outcome of tradition. It would be aside from our purpose to inquire into the causes which have produced the very noticeable difference between the standards applied in the examination-room in certain representative universities, North and South. The present investigation has revealed the fact that some Southern students, who had been scrupulously careful to avoid even the appearance of evil at home, where the honor system prevails, have speedily yielded to temptation after entering Northern institutions in which the system of espionage was applied. The risk of severe punishment in the one case is great; in the other it is small. What is by common consent criminal and disgraceful in the one place is in the other regarded as objectionable but often pardonable. A young man quickly adapts himself to his surroundings. It is to be hoped that Southern colleges will never give up a tradition so creditable as the honor system. It is a subject for congratulation that its growth at the North has lately become so marked.

An additional word of comment may now be made about the subjects embraced in paragraphs II. and IV., above. Thirteen writers state that the students in their colleges are each required to sign a pledge that no aid has been given or received during the examination. In every one of these institutions the honor system is in force. In eleven cases the majority of the faculty are said to be in favor of depending upon vigilance rather than honor. Quite naturally they favor no pledge. The student who would deliberately cheat would not be deterred by the formality of signing his name to a falsehood. But when a student of fairly good character is tempted, the presence of a pledge is an aid to him in resisting temptation. It is well to furnish to all students the same style of examination-paper. At the head of each sheet may be printed a few instructions sufficient to remove the necessity for asking questions, and then the pledge, with a blank to receive the signature, which should be appended on each sheet just before the paper is handed in to the instructor.

VII. The answers to the seventh and eighth questions—as to the best means of securing practical honesty in the rendition of examination-papers, and asking for suggestions—although varied, indicate remarkable unanimity on certain points. To secure practical honesty in examination-papers, the proper course to pursue depends very largely upon the spirit of the community, the past history and traditions of the college, the average age of the students, and the general culture of a

controlling majority of them. The evil of dishonesty in examinations is almost invariably more prevalent among the younger than among the older students, and more formidable in institutions with inelastic curricula than in those where there is wide range and reasonable freedom in the election of studies. If a student is compelled to take a subject which is distasteful to him, the temptation is very strong to employ all available aids to get through, whether these are lawful or not. At Harvard University, for example, where the opportunities for election increase with the student's length of stay, it is well known that strict surveillance is necessary at the admission examination, but that this necessity rapidly diminishes with each successive year spent at the college. The habit of cheating is acquired in the preparatory schools everywhere, though in some of the best of these it is largely under control. Newly-arrived freshmen are not apt to view any subject from the standpoint of the senior or the post-graduate, who has a definite aim and a manly feeling of personal responsibility.

There is much unanimity of opinion that the only effective means of securing general honesty in examinations is the development of high moral tone in student society. If this does not already exist, no rule for its attainment can be laid down beyond the exercise of tact and sympathetic personal influence on the part of the faculty and all others who should naturally take an interest in the students. If the disposition is manifested to treat every one of these as an honorable gentleman just so far as he warrants this assumption, then in most cases the disposition to cheat is taken away. To repose a trust produces generally a desire to honor that trust. The sooner such mutual confidence is developed as may warrant the complete withdrawal of espionage, the better it is for all. At both Cornell and Princeton universities the experiment has been begun, within the last two years, of leaving to the students themselves the control of all cases of discipline necessitated by human weakness in examination. The same plan has been carried out for many years in the South Carolina College, the Universities of Georgia and Virginia, and many other Southern colleges. It has but lately been introduced in a modified form into the University of California. At Williams College, last summer, the faculty responded favorably to a proposition of the sophomore class to permit the experiment to be tried at least with this class during the coming scholastic year.

The chief difficulty to be encountered in carrying out the plan of student self-government is twofold: students are naturally and rightly

indisposed to act as informers against each other, and the majority of them have not the degree of maturity that is needful in a judicial investigation. As to the first of these obstacles I may quote from a letter of a professor in one of the Southern colleges just named.

"I feel that it is not improper in this connection to call attention to the traditions of Southern schools and colleges. It has always been the law that a pupil shall not inform on his fellows to the teacher. In fact some of the best Southern school-teachers have made it an invariable rule to punish a pupil who reports his fellow. This of course refers to ordinary offences. But it is also held that if one is guilty of a disgraceful act, the student body deals with him, either by expelling him or handing him over to the governing body. This is an entirely different thing from tale-bearing. It is a by-law of this college that a student shall not be required to inform on his fellow. But a student who is accused by the faculty of an offence may be called on to affirm or deny. A refusal to answer a charge is considered by the faculty a confession of guilt. A denial is generally accepted, but if such denial be a falsehood the student body would be expected to preserve its honor by getting rid of the offender. If the student body is not actuated by these high principles, it is naturally impossible to carry out such a course. There is, so far as I know in the South, an unbending rule regarding cheating in examination. Where the students do not take the matter in hand, the faculty never fails to do so. But the latter prefer to let the students deal with such cases if they will. A student does not wish to bring himself under suspicion, and he avoids suspicious acts. He knows that there are those among his companions whose censure is worse in student life than the censure of the faculty."

The details and limitations of student self-government must necessarily vary in different colleges. In the University of Georgia and in Cornell University there is a university court composed of one member from the freshman, two from the sophomore, three from the junior, and four from the senior classes. The president of the university or some one or more members of the faculty are also members of this court. In the former any violation of faith is made the business of the class to which the offender belongs. To the court is submitted in writing all testimony relating to the case, and a majority of two-thirds is necessary to convict. Such a students' court or committee exists also at Princeton. It gives to the delinquent the option of leaving college quietly or of being reported to the faculty for discipline. A Princeton professor writes:

"The general impression is that the plan as sketched above is more effective than any practicable watching by the faculty. I think the proper way is to appeal to the honor of the student, and, whenever the offence is detected, to cut off the offender as unfit to associate with gentlemen. I should not 'watch' and 'suspect' students, but should act decisively when a case of cheating is found out."

Experience at Cornell University has been substantially in accord with that at Princeton.

"The friends of the new system place their faith chiefly in its ability to elevate the standard of student honor to such a point that no one will have the hardihood to cheat in the presence of his fellows."

The success of these experiments in both North and South warrants the confident hope that, within a few decades at most, the system of espionage at college examinations will be completely abolished, and students everywhere will be entrusted with the maintenance of such a standard of honor as is worthy of young gentlemen. The great majority of them are opposed to cheating, whether in the examination-room or elsewhere. In society at large, criminals are the exception rather than the rule, and honorable men resent the imputation of association with criminals. The laws must still provide for the exceptional college criminal, and it is not to be expected that all offences will be detected and punished under any system. But in proportion as espionage is relaxed should the punishment for abuse of confidence be increased. Merely to condition a student for dishonesty, or to suspend him for a few weeks, is equivalent to assuring him that his offence is unimportant. Expulsion from the society of gentlemen is what has been found most wise in those colleges where the standard of college honor has been sustained with the best success. If this penalty be deemed too severe for those in which no traditional hostility to cheating has yet been developed, suspension for a year or for a term would seem to be as little as the nature of the offence warrants.

In all cases, whether the honor system or that of espionage is in force, due regard should be had for the removal of all unnecessary temptation in the examination-room. If possible, students should be sufficiently separated to afford each one abundant elbow-room; conversation should be discouraged; and no one should move from one seat to another without good reason. These precautions imply no distrust of the student; they serve merely to protect him from falling accidentally into some situation that might prove embarrassing. It is much easier to avoid a false position than to explain it.

No reform has ever yet been accomplished without giving rise to new problems. That of self-government in colleges has already made the moral tone of these far better than it was in the days of our fathers. Hazing, cheating, drunkenness, and gambling have not yet been abolished, and perhaps will not disappear entirely during the twentieth century; but with the progress of the last thirty years we have no reason to be discouraged. It is quite reasonable to expect at least equally rapid progress during the remaining few years of the present century.

W. LE CONTE STEVENS.

TRUE AMERICAN IDEALS.

IN his noteworthy book on "National Life and Character," Mr. Pearson says: "The countrymen of Chatham and Wellington, of Washington and Lincoln, in short the citizens of every historic state, are richer by great deeds that have formed the national character, by winged words that have passed into current speech, by the examples of lives and labors consecrated to the service of the commonwealth." In other words, every great nation owes to the men whose lives have formed part of its greatness not merely the material effect of what they did, not merely the laws they placed upon the statute books or the victories they won over armed foes, but also the immense but undefinable moral influence produced by their deeds and words themselves upon the national character. It would be difficult to exaggerate the material effects of the careers of Washington and of Lincoln upon the United States. Without Washington we should probably never have won our independence of the British crown, and we should almost certainly have failed to become a great nation, remaining instead a cluster of jangling little communities, drifting toward the type of government prevalent in Spanish America. Without Lincoln we might perhaps have failed to keep the political unity we had won; and even if, as is possible, we had kept it, both the struggle by which it was kept and the results of this struggle would have been so different that the effect upon our national history could not have failed to be profound. Yet the nation's debt to these men is not confined to what it owes them for its material well-being, incalculable though this debt is. Beyond the fact that we are an independent and united people, with half a continent as our heritage, lies the fact that every American is richer by the heritage of the noble deeds and noble words of Washington and of Lincoln. Each of us who reads the Gettysburg speech or the second inaugural address of the greatest American of the nineteenth century, or who studies the long campaigns and lofty statesmanship of that other American who was even greater, cannot but feel within him that

lift toward things higher and nobler which can never be bestowed by the enjoyment of mere material prosperity.

It is not only the country which these men helped to make and helped to save that is ours by inheritance; we inherit also all that is best and highest in their characters and in their lives. We inherit from Lincoln and from the might of Lincoln's generation not merely the freedom of those who once were slaves; for we inherit also the fact of the freeing of them, we inherit the glory and the honor and the wonder of the deed that was done, no less than the actual results of the deed when done. The bells that rang at the passage of the emancipation proclamation still ring in Whittier's ode; and as men think over the real nature of the triumph then scored for humankind their hearts shall ever throb as they cannot over the greatest industrial success or over any victory won at a less cost than ours.

The captains and the armies who, after long years of dreary campaigning and bloody, stubborn fighting, brought to a close the Civil War have likewise left us even more than a reunited realm. The material effect of what they did is shown in the fact that the same flag flies from the Great Lakes to the Rio Grande, and all the people of the United States are richer because they are one people and not many, because they belong to one great nation, and not to a contemptible knot of struggling nationalities. But besides this, besides the material results of the Civil War, we are all, North and South, incalculably richer for its memories. We are the richer for each grim campaign, for each hard-fought battle. We are the richer for valor displayed alike by those who fought so valiantly for the right and by those who, no less valiantly, fought for what they deemed the right. We have in us nobler capacities for what is great and good because of the infinite woe and suffering, and because of the splendid ultimate triumph.

In the same way that we are the better for the deeds of our mighty men who have served the nation well, so we are the worse for the deeds and the words of those who have striven to bring evil on the land. Most fortunately we have been free from the peril of the most dangerous of all examples. We have not had to fight the influence exerted over the minds of eager and ambitious men by the career of the military adventurer who heads some successful revolutionary or separatist movement. No man works such incalculable woe to a free country as he who teaches young men that one of the

paths to glory, renown, and temporal success lies along the line of armed resistance to the Government, of its attempted overthrow.

Yet if we are free from the peril of this example, there are other perils from which we are not free. All through our career we have had to war against a tendency to regard, in the individual and the nation alike, as most important, things that are of comparatively little importance. We rightfully value success, but sometimes we overvalue it, for we tend to forget that success may be obtained by means which should make it abhorred and despised by every honorable man. One section of the community deifies as "smartness" the kind of trickery which enables a man without conscience to succeed in the financial or political world. Another section of the community deifies violent homicidal lawlessness. If ever our people as a whole adopt these views, then we shall have proved that we are unworthy of the heritage our forefathers left us; and our country will go down in ruin.

The people that do harm in the end are not the wrong-doers whom all execrate; they are the men who do not do quite as much wrong, but who are applauded instead of being execrated. The career of Benedict Arnold has done us no harm as a nation because of the universal horror it inspired. The men who have done us harm are those who have advocated disunion, but have done it so that they have been enabled to keep their political position; who have advocated repudiation of debts, or other financial dishonesty, but have kept their position in the community; who preach the doctrines of anarchy, but refrain from action that will bring them within the pale of the law; for these men lead thousands astray by the fact that they go unpunished or even rewarded for their misdeeds.

It is unhappily true that we inherit the evil as well as the good done by those who have gone before us, and in the one case as in the other the influence extends far beyond the mere material effects. The foes of order harm quite as much by example as by what they actually accomplish. So it is with the equally dangerous criminals of the wealthy classes. The conscienceless stock speculator who acquires wealth by swindling his fellows, by debauching judges and corrupting legislatures, and who ends his days with the reputation of being among the richest men in America, exerts over the minds of the rising generation an influence worse than that of the average murderer or bandit, because his career is even more dazzling in its success, and even more dangerous in its effects upon the community.

Any one who reads the essays of Charles Francis Adams and Henry Adams, entitled "A Chapter of Erie," and "The Gold Conspiracy in New York," will read about the doings of men whose influence for evil upon the community is more potent than that of any band of anarchists or train robbers.

There are other members of our mercantile community who, being perfectly honest themselves, nevertheless do almost as much damage as the dishonest. The professional labor agitator, with all his reckless incendiarism of speech, can do no more harm than the narrow, hard, selfish merchant or manufacturer who deliberately sets himself to work to keep the laborers he employs in a condition of dependence which will render them helpless to combine against him; and every such merchant or manufacturer who rises to sufficient eminence leaves the record of his name and deeds as a legacy of evil to all who come after him.

But of course the worst foes of America are the foes to that orderly liberty without which our Republic must speedily perish. The reckless labor agitator who arouses the mob to riot and bloodshed is in the last analysis the most dangerous of the workingman's enemies. This man is a real peril; and so is his sympathizer, the legislator, who to catch votes denounces the judiciary and the military because they put down mobs. We Americans have, on the whole, a right to be optimists; but it is mere folly to blind ourselves to the fact that there are some black clouds on the horizon of our future.

During the summer of last year, every American capable of thinking must at times have pondered very gravely over certain features of the national character which were brought into unpleasant prominence by the course of events. The demagogue, in all his forms, is as characteristic an evil of a free society as the courtier is of a despotism; and the attitude of many of our public men at the time of the great strike last July was such as to call down on their heads the hearty condemnation of every American who wishes well to his country. It would be difficult to overestimate the damage done by the example and action of a man like Governor Altgeld of Illinois. Whether he is honest or not in his beliefs is not of the slightest consequence. He is as emphatically the foe of decent government as Tweed himself, and is capable of doing far more damage than Tweed. The Governor, who began his career by pardoning anarchists, and whose most noteworthy feat since has been his bitter and undignified, but fortunately futile, campaign against the election of the admirable

judge who sentenced the anarchists, is the foe of every true American and is the foe particularly of every honest workingman. With such a man it was to be expected that he should in time of civic commotion act as the foe of the law-abiding and the friend of the lawless classes, and endeavor, in company with the lowest and most abandoned of the class of office-seeking politicians, to prevent proper measures being taken to prevent riot and to punish the rioters. Had it not been for the admirable action of the Federal Government, Chicago would have seen a repetition of what occurred during the Paris Commune, while Illinois would have been torn by a fierce social war; and for all the horrible waste of life that this would have entailed Governor Altgeld would have been primarily responsible. It was a most fortunate thing that the action at Washington was so quick and so emphatic. Senator Davis of Minnesota set the key of patriotism at the time when men were still puzzled and hesitated. The President and Attorney-General Olney acted with equal wisdom and courage, and the danger was averted. The completeness of the victory of the Federal authorities, representing the cause of law and order, has been perhaps one reason why it was so soon forgotten; and now most of our well-to-do shortsighted people actually forget that when we were in July on the brink of an almost terrific explosion the governor of Illinois did his best to work to this country a measure of harm as great as any ever planned by Benedict Arnold, and that we were saved by the resolute action of the Federal judiciary and of the regular army. Moreover, Governor Altgeld, though pre-eminent, did not stand alone on his unenviable prominence. Governor Waite of Colorado stood with him. Most of the Populist governors of the Western States, and the Republican governor of California and the Democratic governor of North Dakota, shared the shame with him; and it makes no difference whether in catering to riotous mobs they paid heed to their own timidity and weakness, or to that spirit of blatant demagogism which, more than any other, jeopardizes the existence of free institutions. On the other hand, the action of Governor McKinley of Ohio and Governor Matthews of Indiana entitled them to the gratitude of all good citizens.

Every true American, every man who thinks, and who if the occasion comes is ready to act, may do well to ponder upon the evil wrought by the lawlessness of the disorderly classes when once they are able to elect their own chiefs to power. If the Government generally got into the hands of men such as Altgeld and the other

governors like him referred to, the Republic would go to pieces in a year; and it would be right that it should go to pieces, for the election of such men shows that the people electing them are unfit to be entrusted with self-government.

There are, however, plenty of wrong-doers besides those who commit the overt act. Too much cannot be said against the men of wealth who sacrifice everything to getting wealth. There is not in the world a more ignoble character than the mere money-getting American, insensible to every duty, regardless of every principle, bent only on amassing a fortune, and putting his fortune only to the basest uses—whether these uses be to speculate in stocks and wreck railroads himself, or to allow his son to lead a life of foolish and expensive idleness and gross debauchery, or to purchase some scoundrel of high social position, foreign or native, for his daughter. Such a man is only the more dangerous if he occasionally does some deed like founding a college or endowing a church, which makes those good people who are also foolish forget his real iniquity. These men are equally careless of the workingmen, whom they oppress, and of the state, whose existence they imperil. There are not very many of them, but there is a very great number of men who approach more or less closely to the type, and, just in so far as they do so approach, they are curses to the country. The man who is content to let politics go from bad to worse, jesting at the corruption of politicians, the man who is content to see the maladministration of justice without an immediate and resolute effort to reform it, is shirking his duty and is preparing the way for infinite woe in the future. Hard, brutal indifference to the right, and an equally brutal shortsightedness as to the inevitable results of corruption and injustice, are baleful beyond measure; and yet they are characteristic of a great many Americans who consider themselves perfectly respectable, and who are considered thriving, prosperous men by their easy-going fellow-citizens.

Another class, merging into this, and only less dangerous, is that of the men whose ideals are purely material. These are the men who are willing to go for good government when they think it will pay, but who measure everything by the shop-till, the people who are unable to appreciate any quality that is not a mercantile commodity, who do not understand that a poet may do far more for a country than the owner of a nail factory, who do not realize that no amount of commercial prosperity can supply the lack of the heroic

virtues, or can in itself solve the terrible social problems which all the civilized world is now facing. The mere materialist is, above all things, shortsighted. In a recent article in *THE FORUM*, Mr. Edward Atkinson casually mentioned that the regular army could now render the country no "effective or useful service." Two months before this sapient remark was printed the regular army had saved Chicago from the fate of Paris in 1870 and had prevented a terrible social war in the West. At the end of this article Mr. Atkinson indulged in a curious rhapsody against the navy, denouncing its existence and being especially wrought up, not because war-vessels take life, but because they "destroy commerce." To men of a certain kind, trade and property are far more sacred than life or honor, of far more consequence than the great thoughts and lofty emotions, which alone make a nation mighty. They believe, with a faith almost touching in its utter feebleness, that "the Angel of Peace, draped in a garment of untaxed calico," has given her final message to men when she has implored them to devote all their energies to producing oleomargarine at a quarter of a cent less a firkin, or to importing woollens for a fraction less than they can be made at home. These solemn prattlers strive after an ideal in which they shall happily unite the imagination of a green-grocer with the heart of a Bengalee baboo. They are utterly incapable of feeling one thrill of generous emotion, or the slightest throb of that pulse which gives to the world statesmen, patriots, warriors and poets, and which makes a nation other than a cumberer of the world's surface. In the concluding page of his article Mr. Atkinson, complacently advancing his panacea, his quack cure-all, says that "all evil powers of the world will go down before" a policy of "reciprocity of trade without obstruction"! Fatuity can go no further.

No Populist who wishes a currency based on corn and cotton stands in more urgent need of applied common sense than does the man who believes that the adoption of any policy, no matter what, in reference to our foreign commerce, will cut that tangled knot of social well-being and misery at which the fingers of the London free-trader clutch as helplessly as those of the Berlin protectionist. Such a man represents individually an almost imponderable element in the work and thought of the community; but in the aggregate he stands for a real danger, because he stands for a feeling evident of late years among many respectable people. The people who pride themselves upon having a purely commercial ideal are apparently unaware that

such an ideal is as essentially mean and sordid as any in the world, and that no bandit community of the Middle Ages can have led a more unlovely life than would be the life of men to whom trade and manufactures were everything, and to whom such words as national honor and glory, as courage and daring, and loyalty and unselfishness, had become meaningless. The merely material, the merely commercial ideal, the ideal of the men "whose fatherland is the till," is in its very essence debasing and lowering. It is as true now as ever it was that no man and no nation shall live by bread alone. Thrift and industry are indispensable virtues; but they are not all-sufficient. We must base our appeals for civic and national betterment on nobler grounds than those of mere business expediency.

We have examples enough and to spare that tend to evil; nevertheless, for our good fortune, the men who have most impressed themselves upon the thought of the nation have left behind them careers the influence of which must tell for good. The unscrupulous speculator who rises to enormous wealth by swindling his neighbor; the capitalist who oppresses the workingman; the agitator who wrongs the workingman yet more deeply by trying to teach him to rely not upon himself, but partly upon the charity of individuals or of the state and partly upon mob violence; the man in public life who is a demagogue or corrupt, and the newspaper writer who fails to attack him because of his corruption, or who slanderously assails him when he is honest; the political leader who, cursed by some obliquity of moral or of mental vision, seeks to produce sectional or social strife—all these, though important in their day, have hitherto failed to leave any lasting impress upon the life of the nation. The men who have profoundly influenced the growth of our national character have been in most cases precisely those men whose influence was for the best and was strongly felt as antagonistic to the worst tendency of the age. The great writers, who have written in prose or verse, have done much for us. The great orators whose burning words on behalf of liberty, of union, of honest government, have rung through our legislative halls, have done even more. Most of all has been done by the men who have spoken to us through deeds and not words, or whose words have gathered their especial charm and significance because they came from men who did speak in deeds. A nation's greatness lies in its possibility of achievement in the present, and nothing helps it more than the consciousness of achievement in the past.

THEODORE ROOSEVELT.

THE BARNACLES OF FIRE INSURANCE.

To all owners of destructible property, insurance has become a necessity. The premium is a tax we cheerfully impose upon ourselves if it be reasonable and paid to insurers who are always ready and willing to replace what may be destroyed. According to official reports, sixty of the wealthiest corporations doing a fire-insurance business in New York State received \$822,000,000 for premiums in the last ten years. After paying \$500,000,000 for losses, \$280,000,000 for expenses, and making the legal provision for returning premiums paid in advance, they wound up the business of the decade with an aggregate net loss of \$10,000,000. No widespread conflagration had occurred, for brave firemen, assisted by excellent appliances, were able to prevent a disastrous spread of the flames in many thousand cases of serious danger; nor had the average rates for premiums diminished; yet our insurance business continued to degenerate, as the following figures of the National Board of Underwriters show:

In 1891, the ratio of loss by 258 companies was 61.23 per cent of premium receipts.
" 1892, " " " " 251 " " 62.08 " " " " "
" 1893, " " " " 244 " " 66.93 " " " " "

In German cities it costs from 4 to $7\frac{1}{2}$ cents per \$100, annually, to insure stone or brick dwellings, against a proposed rate of 10 cents here; mercantile risks there cost $6\frac{2}{3}$ to $22\frac{1}{2}$ cents per \$100; here an average of 60 cents. Although their premiums are considerably lower, German insurers earn, while ours lose, money. In Austria the business must be profitable, or the government would not contemplate engaging in it for revenue. A comparison of some foreign conditions and business methods with those prevailing here may suggest measures of reform which we could advantageously adopt.

In Germany the person who wants to be reimbursed for the full value of his property when destroyed by fire must insure such value and pay the premiums on it; it is understood that he is coinsurer to the extent that he does not pay. When he insures a stock of mer-

chandise for \$50,000, which is wholly destroyed and is found, upon investigation, to have been worth \$100,000, he can claim only \$25,000. Our companies have recently encouraged this system in a modified form, by requiring merchants to insure 80 per cent of values, in which case no more can be recovered. But the foreign coinsurance system is preferable, because it is obligatory to its full extent; it either increases the premiums or diminishes the losses to a greater degree and induces the insurer to be more cautious. Losses are adjusted in Europe with more care; when several companies become involved in a fire they select a representative to act for them all: the executive officer of the corporation which has the largest amount at stake or is the most reputable is chosen. To this arbiter the claimant must bring conclusive evidence of the previous existence and actual value of his stock,—his books and papers, sworn depositions of experts, or whatever testimony may be required. After careful examination of all surrounding circumstances, the officer makes an award which forms the basis of settlement. The decision is not influenced by outside considerations: a grand duke and personal friend of the Emperor recently recovered five thousand marks for a painting (supposed to be by Rubens) which was insured for fifty thousand, because the expert found that it was only a copy.

Our custom formerly was, when losses were compromised by the payment of a lump sum, that the agent sold the salvage through some auctioneer, with whom he was apt to arrange for a division of the profits; now, the underwriters have formed, for their mutual protection, a company to dispose, at best possible prices, of their damaged goods. When a number of small companies are interested in a large fire, it is customary for the assured to engage an expert, to whom he pays a commission on whatever he may recover. Under his direction he prepares a proof of loss, which must be affirmed by oath, and which is usually for more than he is entitled—or expects—to receive. For example, during a recent fire, smoke penetrated a stock of linens insured for \$325,000: the assured claims \$32,500, although his own adjuster found the damage so slight that he advised the acceptance of \$3,250 as a compromise. Every company hires its own adjuster, who receives a fee of from \$10 to \$25 per diem and travelling-expenses as long as he is so engaged; instead of expediting the settlement he often pretends to wrangle over the value of trifles until he is bribed to surrender the interest of his employers to the assured. Where large companies only are interested they may agree to leave the

settlement to a committee of salaried experts, but among these are often men who will be influenced in their decision by unworthy motives. Even officers of insurance companies crave popularity so that they forget, in their anxiety to please clients, what is due to their stockholders. The value of property destroyed by fire in the United States in 1893 exceeded \$150,000,000,—considerably more than half of the present value of our entire crop of wheat. From the assured down, every person in any way connected with a fire seems only to study how much he can make for himself out of the underwriters. If losses were adjudicated under the direction of a single honest and efficient man, the result would be a more impartial—certainly more economical—settlement.

When we compare the haste in which buildings are erected here with the care bestowed on them abroad, we find another explanation of the frequency of fires. In German cities, when the plan of a new house has been approved by the authorities, officers are detailed by the building-police to watch over its erection. These may come at any hour, without notice, to see that the work is done according to well-established sanitary and fire-protection laws; they can order changes or the removal of the entire building if they deem it essential, and on its completion must make a final report, to be approved by the magistrates, before the owner is permitted to occupy the premises.

Our cities no longer allow the erection of frame structures¹ within certain fire limits; we have as good building-laws as exist anywhere, but they are not always properly executed. In New York about 3,000 buildings are constantly in course of erection at one time, while about 7,000 are being altered; and forty inspectors are employed by the building-department to see that all this work is properly done. It is absolutely impossible for the inspectors to perform their duty properly, because each one is obliged to watch over 75 new and 175 old buildings. I learn that contractors have been known to place the burnt-clay linings for flues, required by law, on the sidewalk, not for actual use, but merely to deceive inspectors should they happen to pass; when the work was finished, the material was carefully returned to the builder's warehouse. The imperfect insulation of electric wires has for a long time been a source of serious danger; fires constantly occur from this cause, though methods have been im-

¹ There were in 1891, buildings: of brick or stone: of frame.

In London.....	557,184	None.
" New York.....	82,323	32,692
" Chicago.....	69,849	51,808

proved. New York has for several years had a law on its statute-books prescribing how this work must be done; but, no appropriation having been made by its city authorities for the proper inspection of such work, the law cannot be enforced.

In Europe fires are of rare occurrence except in cities which, like Berlin, have recently grown with American rapidity. In 1890 the loss caused by fire in Berlin amounted to only 22 cents per head of population, against a loss of \$2.81 per head in New York, \$2.44 in Chicago, and \$1.89 in Brooklyn, during the year of which we have the last reports. In France the person in whose house a fire originates through negligence is responsible for the loss caused thereby to his neighbors. It may be difficult to establish this rule here, but we can be more careful than we are. Statistics show that 30 per cent of all our losses is caused by exposure to other burning property.

Successful underwriters will examine adjoining buildings with the same care that they bestow on the property they insure; but they ought to be more circumspect in the examination of risks before writing them, and remember that an ounce of prevention is better than a pound of cure. Proper inspection may often cost more than the amount of the premium; still it is foolhardy to hazard the loss of a thousand dollars in order to gain two or three, and written applications should be insisted upon in such cases, especially from strangers. Premiums charged by "industrial companies" for insuring lives are also small; yet the applicant for insurance must make a detailed statement and submit to a medical examination besides. Applicants for fire insurance should answer questions pertinent to the risk, and contracts obtained by means of false representations should be void. This precaution would have a tendency to diminish the number of incendiary fires, which increase with the recurrence of every period of business depression,—it is estimated by the New York "Financial Chronicle" that almost 9 per cent of the losses sustained last year was due to incendiarism. A man who has pressing obligations to meet, and a property insured for its full value, is often tempted to set it on fire, collect the insurance-money, and get rid of his debts. When the crime is committed by a man who has borne a good reputation it is seldom detected and never punished. Although, according to fire-marshals' reports, five thousand incendiary fires took place in 1893, only four persons were convicted in New York, and only one in Chicago; and they belonged to the ranks of hardened criminals who make incendiarism their occupation. Such villains will hire

rooms, move goods into them, and ostensibly sell them long enough to give the place a certain air of respectability; then, during some dark night, they will take away whatever is of value, set fire to the rest, and claim more than the whole was ever worth. The "East Side" of New York has an unenviable notoriety for this class of crime. Some equally disreputable insurance-broker is frequently a confederate; after procuring a policy he retains it in his possession until the fire; then, becoming adjuster, he makes the best compromise he can with the insurer, and divides the plunder with the assured. The goods saved from fires, which are damaged so that they can be used only for deception and ought to have been destroyed, are eagerly purchased by certain dealers, who are always prepared to supply to incendiaries such crooked wares on short notice.

Underwriters now habitually inquire into the antecedents of persons who apply for insurance and are unknown to them. This information is usually derived from mercantile agencies, and Mr. C. C. Hine keeps, for their convenience, a black-list of men who were burned out more than once and whose characters are suspicious. A movement is on foot also to establish a bureau of information for the exclusive use of fire companies. The National Board of Underwriters has provided a fund of \$100,000, from which, every year, rewards are appropriated for the detection of incendiaries. From this fund only \$2,225 were paid last year for the conviction of thirteen persons,—a result which must disappoint the members not less than the public.

In the greater part of Europe the cause of every fire is investigated by a special police; in Massachusetts a law has been enacted which creates a State fire marshal, who is charged with the same duty. He must begin the investigation of every fire within two days of its occurrence when in Boston; when in other places, within a week, personally or by deputy; he has the power of a trial justice to summon and compel the attendance of witnesses; he can enter into buildings at reasonable hours for the purpose of examination, and order the removal of dangerous material. Similar laws should be passed by every State in the Union or by the National Government, and insurance companies should be prohibited from settling a loss unless the fire has been promptly reported to the authorities; and they should refuse to settle, wherever there is a reasonable doubt as to the cause, until they have received a report of the official investigation. In Germany, companies are not permitted to pay losses which have not been examined by the fire police.

Agents are sometimes so anxious to secure commissions that they will accept doubtful risks even from strangers. In Boston, a notorious woman already guilty of incendiarism had been suspected of planning a similar crime; while she was under the surveillance of a female detective, to whom she had confided her scheme, the Boston agent of the same company she expected to defraud and who employed this detective, accepted her application for an additional policy of \$500 on the very property she wanted to burn in a few days!

One Saturday afternoon a well-appearing man walked into the office of the newly appointed agent of a Boston company in a New England town, and insured his mill for \$20,000; with the contract there arrived in Boston, on Monday morning, the news that the mill had burned down on Sunday. This loss would have been saved if the agent had not been too anxious to secure a commission. Had he first referred the application to the company, it would have been refused, as his character was known. He has made a fortune by fires in woollen mills, lives in good style, and is respected by some of his neighbors on account of his liberality to churches.

In Europe the contract for insurance, which we call a policy, cannot be rescinded; an agreement once made must run its stated period and can be cancelled by neither party. This custom makes the insurer more cautious before he writes the policy; he does not part with it until he receives the premium, which may then be considered as earned, except in case of fire. Here the assured may surrender his policy at any time and call for the return of part of the premium; the insurer may cancel the contract when he refunds the premium. So long as the character of our risks is subject to unexpected change, it is questionable if our underwriters would be safe in adopting this European custom, but we can learn something from their system of agencies.

All companies in Germany employ a number of "general agents," one in every important commercial centre, who alone is empowered to issue policies. These agents are either salaried clerks, who have long been in service and are thus rewarded, or they are chosen among the reputable merchants or bankers of the locality. They consider the appointment a distinction; they are paid by a commission of 15 per cent on premium receipts; they return 10 per cent to sub-agents for procuring the business; what is not absorbed from the rest by clerk-hire represents their perquisite. Sub-agents are chosen among small tradesmen and subaltern civil officers; they must have a good

reputation and occupy a social position, and one agent can represent only a single company. In this way an efficient and honest management of agencies is secured.

Our large companies employ at least one agent in every important town, involving a staff of thousands of persons, each of whom receives a commission of 15 per cent on his receipts, irrespective of losses, and has authority to issue policies. As the profits of these men depend exclusively on their receipts, they have every incentive to increase them. When losses occur they may regret them, but this cannot interfere with their income; they will be slow voluntarily to cancel a risk, after they have accepted it, even when it becomes doubtful, because doing so would diminish their earnings. It is true that the companies employ also special salaried agents who travel about to inspect and control the risks taken by local agents, but it is difficult to form a correct opinion of the hazards surrounding each venture in the short time the special agent can devote to each place. Almost every resident agent represents from five to twenty different companies, and divides his favors among them according to his personal interest; often he loses money for every one. If a merchant were to pay a clerk, working not for himself alone but for competitors as well, a commission larger than his profits, such action would generally be considered a sign of impending failure. Insurers will follow this policy without regard to the ultimate consequence: I know that companies continue it in States where they have not earned a dollar in twenty years. When some method is devised which identifies the interests of the agent with those of his employers, the agent will be more careful in the inspection of risks and reject those which are doubtful.

Forty years ago there existed, in all parts of the country, numerous small companies, with capitals ranging from \$100,000 to \$500,000, divided in small shares among the greatest possible number of holders. Thus the owner of every share of stock exerted himself to bring the business of his friends and customers to his own company and to diminish its loss in case of accident. By such watchfulness, losses were kept down, while receipts were large enough to warrant a distribution of fair dividends besides the accumulation of a good surplus. It then happened that a director in one of these good old-fashioned associations conceived the idea of allowing some poor relative, unable to earn a livelihood for himself, to attend to his insurance business for him; another director desired, in this way, to

assist a customer who had failed. At the solicitation of such influential men, officers were persuaded to pay these genteel beggars a small commission on their regular rates, and the system of brokerage was inaugurated. Not more than 5 per cent of the insurance business was done through brokers forty years ago; less than 5 per cent is done now without them. Of the old companies but few remain, and a great part of the business is concentrated in the hands of comparatively few large corporations in New York, in Hartford, and in Philadelphia. At home it is done through brokers; outside through agents; and the commission paid these middlemen amounts to 18 per cent of the receipts, one-half of the entire expense. There is no reason why the brokerage at least could not be saved; almost everybody knows enough to insure his own property; the published reports of the standing of responsible companies are accessible; and rates are established for a majority of risks. But the influence of brokers has become so great that the officers in some companies actually discourage direct application, and if a customer happens to find his way to the office of such a company he is introduced to some favorite broker, with whom the officer divides the commission. Only where insurance is difficult to procure are brokers useful to the insurer: this is true where a large risk of a specially hazardous nature must be placed, or where a great deal of valuable merchandise is concentrated in a small district like the dry-goods centre of New York. In such cases the greater benefit accrues to the assured, and the commission should be paid by him. This is virtually done now, but in a roundabout way, so that it enhances the price of desirable insurance to those who do not need the assistance of a broker. Risks could be accepted more cheaply by as much as the brokerage amounts to, if all underwriters were to agree to pay none. The person who should continue to employ a broker should also pay him; he would then know what his service cost him; probably he would also discontinue paying his premiums through him. Not everybody is aware of the risk involved in this practice, —it consists in being obliged to pay the premium twice if the broker should fail to turn it over to the company. It may be more difficult to inaugurate a change so radical than to grade the commission to be paid as follows:—

Twenty per cent for premiums on dwellings: the amounts are small and difficult to collect. The reason why a larger commission is now paid is chiefly due to the fact that tariff rates on dwellings have not yet been established; meanwhile officers take them at ridiculous

prices and pay as much as 40 per cent commission to secure them. Although a dwelling-house burns every hour, this class of risks is considered the safest.

Ten per cent for premiums on ordinary mercantile risks; it takes less time to procure them, and the amounts are larger.

Five per cent for the high premiums of special hazards which applicants are usually more anxious to place than insurers are to write.

The premiums paid annually in New York City for insurance amount in the aggregate to \$7,000,000, and the brokerage to, about \$1,000,000. This is more than the companies earn themselves, and more than is paid for similar service to any other class of middlemen who employ no capital and assume no responsibility.¹ Among several thousand so-called brokers in New York City, only about twenty-five have sufficient knowledge of the business; they probably receive 75 per cent of the brokerage distributed, and they usually divide it with favored customers, so that their net profits will scarcely exceed the percentages which I propose. But to encourage them further, and to enlist the coöperation of their ambitious but so far less fortunate competitors, I would pay them at the end of each year a contingent commission of 10 per cent of the amount which every company has earned on the business which the broker brought in that period, on condition that it exceeded five hundred dollars,—I would so limit it to avoid the opening of accounts which are not worth the trouble.

The greatest benefit the insurers would derive from this system of graded and contingent commission would be obtained by applying it to their agents, because it would naturally ally their interest with that of their employers; more of them would concentrate their efforts on behalf of a single company, and the ridiculous custom of calling a man an agent who tries to serve a dozen masters at the same time would soon terminate. The president of the Continental Fire Insurance Company made a praiseworthy effort at reform in this direction for five years. But he had to abandon it, because those of his agents who represented other companies at the same time were required by those companies to return to the old form of compensation.

¹ It is hardly fair to consider here the commissions paid to canvassers for life insurance. That they are larger is due to the circumstance that few persons will insure their lives unless solicited. The commission paid marine-insurance brokers is 5 per cent.

While this experience shows that my plan is correct in principle, it also shows that it cannot be applied under existing circumstances because of the opposition of officers of our largest companies, who are so jealous of each other that they cannot be induced to adopt the most sensible reform measure unless arguments can be used more forcible than any that have yet been tried.

When I have referred to insurers, I mean the executive officers of insurance companies, who direct the affairs of their respective organizations as if they owned the business, although they usually have but a small pecuniary interest in the corporation.¹ If shareholders will not soon adopt measures for proper management, they will see their capital and surplus vanish like that of eight hundred and seventy-eight fire insurance companies whose assets have gone up in smoke since 1860. Recent improvements, like automatic sprinklers, have resulted in saving property; and other conditions have been so favorable that when the losses of 1894 are added the figures will be less formidable than in the previous year; but a business conducted on wrong principles cannot thrive.

Underwriters refer with pride to a rise of mercantile rates which they have recently managed to enforce after a struggle of years. That measure has increased the tax on commerce without any corresponding improvement in the profits of insurance. Instead of planning to increase receipts, they ought to see how they can reduce losses and current expenses.

While every insurer has an interest in these reforms, and can help to bring them about (1) by dispensing with his broker wherever that is feasible, in order to reduce premiums; (2) by guarding his property and that of his neighbors against fire; (3) by agitating in favor of laws which will make property more secure, and by assisting in their proper execution,—it must be remembered that more serious considerations also urge reform, since the business, as it is now carried on, (1) encourages idleness, by paying more for service than it is worth; (2) offers a greater indemnity for goods which have been burned than their previous value, and thus encourages their destruction; and (3) it is hedged in on many sides by corruption and fraud to an extent which must engender immorality.

LOUIS WINDMÜLLER.

¹ Executive officers of French and German corporations must deposit in the company's safe certificates of stock commensurate with their responsibility before they can enter upon their duties.

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